



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Steering Committee Meeting – 8:00 a.m., Room 41

Christopher B. Coleman,
Mayor

Agenda

Saint Paul
Planning Commission

December 28, 2012
8:30 – 11:00 a.m.

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

I. Approval of minutes of November 30th and December 14, 2012.

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#12-216-269 Wilebski's Blues Saloon – Establishment of legal nonconforming use as a commercial parking lot. 92 California Avenue West, SE corner at Camelot Street.
(*Bill Dermody, 651/266-6617*)

#12-216-053 Mademoiselle Miel LLC – Rezoning from RM2 Medium Density Multiple Family Residential to T2 Traditional Neighborhood. 340-342 Kellogg Boulevard West, between Summit and Mulberry. (*Michelle Beaulieu, 651/266-6620*)

#12-215-800 Sandy's Professional Dog and Cat Grooming – Change of nonconforming use permit to change condition regarding location of off-street parking for existing dog and cat grooming business. 360 Clifton Street, SE corner at Jefferson.
(*Michelle Beaulieu, 651/266-6620*)

#12-210-553 Ford Plant Demolition (phase 1, 2, and 3) – Site plan review for the demolition of the Ford Motor Twin Cities Assembly Plant. 966 Mississippi River Boulevard. (*Tom Beach, 651/266-9086*)

V. Comprehensive Planning Committee

VI. Neighborhood Planning Committee

VII. Transportation Committee

Sixth Street Sidewalk Widening – Approve resolution supporting the proposed project and recommending approval to the Mayor and City Council.
(*Michelle Beaulieu, 651/266-6620*)

Planning Director
Donna Drummond

VIII. Communications Committee

IX. Task Force/Liaison Reports

X. Old Business

XI. New Business

XII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF DECEMBER 24-28, 2012

Mon (24) _____

Tues (25) _____ **CHRISTMAS DAY HOLIDAY – OFFICE CLOSED**



Weds (26) _____

Thurs (27) _____

Fri (28) _____

8:00 a.m. Planning Commission Steering Committee
(Donna Drummond, 651/266-6556)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. *(Donna Drummond, 651/266-6556)*

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

NEW BUSINESS

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#12-210-553 Ford plant demolition (phase 1, 2, and 3) – Site plan review for the demolition of the Ford Motor Twin Cities Assembly Plant. 966 Mississippi River Boulevard. (Tom Beach, 651/266-9086)

Transportation Committee..... Sixth Street Sidewalk Widening – Approve resolution supporting the proposed project and recommending approval to the Mayor and City Council.
(Michelle Beaulieu, 651/266-6620)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes November 30, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, November 30, 2012 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Shively, Thao, Wang, Wencil; and Messrs. Connolly, Edgerton, Gelgelu, Nelson, Ochs, Schertler, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Perrus, *Porter, *Reveal, and Messrs. *Lindeke, and *Oliver.
*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Allan Torstenson, Merritt Clapp-Smith, Bill Dermody, Mary Matze, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes November 16, 2012.

MOTION: *Commissioner Wang moved approval of the minutes of November 16, 2012. Commissioner Merrigan seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencil had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the Union Depot was having its grand opening celebration on Saturday, December 8, 2012. More information is available at www.uniondepot.org.

Also, Councilmember Brendmoen had requested that the planning staff do an analysis of a potential boundary change between District 6 and District 10, specifically the area directly south of Lake Como, which is currently within the District 6 boundary. Staff has done an initial analysis and there is going to be a community meeting on January 9, 2013.

The nonconforming use amendments which were mentioned at the last Planning Commission meeting have been laid over again and will be back on the City Council agenda next Wednesday, December 5th.

IV. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, November 27, 2012:

- Schmidt Brewery bottling house renovation and parking lot, 888 West 7th Street.
- Ford Motor plant demolition/decommissioning, 966 Mississippi River Blvd. South.

Three items to come before the Site Plan Review Committee on Tuesday, December 4, 2012:

- Environmental Wood Supply wood yard site improvements, 2165 Pigs Eye Lake Road.
- Securian plaza renovation, 400 N. Robert Street.
- Ordway Center expansion, 345 Washington Street.

NEW BUSINESS

#12-206-723 Statera Fitness – Rezone from RM2 multi-family residential to B2 community business for a health/fitness facility. 688 Hague Avenue, SW corner at St. Albans.
(Bill Dermody, 651/266-6617)

Commissioner Nelson announced that this case has been withdrawn at the request of the applicant.

12-206-725 Statera Fitness - Variance of required parking (44 spaces required, 22 spaces proposed). 688 Hague Avenue, SW corner at St. Albans. *(Bill Dermody, 651/266-6617)*

Commissioner Ochs asked about adding a condition to require landscaping to dress up the parking lot a bit.

Bill Dermody, PED staff, responded that the Commission can impose reasonable conditions in approving a variance necessary to fulfill the purpose of the code. This sort of consideration could also be direction to staff for site plan review.

Commissioner Ochs asked if the additional required bicycle parking would fit without losing a motor vehicle parking space to accommodate bicycle parking.

Commissioner Nelson said the 3 bicycle parking spaces would be in addition to the 22 vehicle parking spaces.

Commissioner Schertler asked about the basis for requiring 3 bike parking spaces.

Mr. Dermody said the code has a bike parking requirement based on the number of vehicle parking spaces.

Commissioner Edgerton expressed concern about the reduced parking. He asked about basing required parking on gross floor area and not counting basement mechanical and storage areas.

Mr. Dermody said that the code requires 44 parking spaces for the proposed use based on gross area. The unusually large storage and inactive floor area compared to other fitness facilities is a factor in considering the variance request. The building is one block south of transit on Selby and much of the membership lives in the neighborhood, so fewer cars and more bikes are expected.

Commissioner Nelson said Statera Fitness is currently a block away, and this site would have more parking than their current site.

Commissioner Merrigan noted that the variance is for this particular use going into that space. If it doesn't go in, or if another type of use goes in, the parking requirement would be recalculated.

Mr. Dermody clarified that it wouldn't have to be Statera Fitness, but it must be a fitness facility.

Commissioner Ward asked about testimony at the Zoning Committee hearing.

Commissioner Nelson said most of the testimony was about the rezoning. While there was an adequate consent petition for the rezoning, two people spoke against it. The Zoning Committee recommended denial of the rezoning because it would be "spot zoning," and as a result the applicant withdrew the rezoning application.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the variance subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 6, 2012.

Commissioner Merrigan said perhaps the parking requirement based on gross floor area should be revisited to account for things like common areas, elevator cores and mechanical rooms and bring it in line with other communities and current zoning practices.

Commissioner Noecker noted recent discussion about parking requirements near new LRT.

Donna Drummond, Director of Planning, said the Central Corridor Zoning Study eliminated minimum parking requirements in traditional neighborhood districts within ¼ mile of the light rail line. Prior to that, there was a city-wide parking study a couple of years ago that substantially reduced parking requirements city wide. Perhaps there are further tweaks to consider.

Commissioner Merrigan said she would be happy to send comparable language from other municipalities for staff to look at.

V. Update on Ford Project and Upcoming Master Site Plan Review for Site Decommissioning - Informational presentation by Merritt Clapp-Smith, PED. (Merritt Clapp-Smith, 651/266-6547)

Merritt Clapp-Smith, PED staff gave an update on the Ford Project. She said that this past year has focused on two main activities for the Ford site, work on the Ford Zoning Framework Study and identification of site decommissioning activities to be reviewed by the City under a master

site plan application. Given the magnitude, scope, and high profile of the decommissioning, it is important to bring the master site plan application that guides this work through formal public review at Zoning Committee and Planning Commission.

Ford Land, which manages Ford's real estate assets, has decommissioned over a dozen properties in the U.S. since 2000, gaining significant experience in the technical details and management of these large, complex projects. However, each site introduces a host of new state and local regulations and expectations related to the decommissioning process.

Since last spring, City staff and partner agencies such as the MPCA and Ramsey County have worked closely with one another and with Ford to identify the decommissioning requirements and expectations for this site; which is characterized by its unique size, age, and location next to the Mississippi River, a vibrant commercial area, and residential neighborhoods.

Preparation of a complete application took time, since the scope of activities encompassed in the master site plan spans 4-5 years and distinct phases of work. These are:

1. Demolition of buildings – paint and main structure
2. Removal of Slabs and Foundations -
3. Site Stabilization with grading, seeding, and stormwater management
4. Removal of remaining parking lots

Each of these phases required drawings and engineering details comparable to those provided in any site plan review, an undertaking that took Ford and its contractor's time to prepare.

Concurrent with preparation of the application, Ford has gone through significant work to prepare the buildings for demolition, including inventorying and documenting the property, disposing of documents and equipment, scoping and contracting the interior prep. work, getting approvals, and undertaking the work which includes mercury switch removals, utility shut offs, light bulbs and asbestos removal, an activity which may be delayed to spring if cold weather prevents related washing.

After months of work, a site plan application is ready for review. On September 11th Ford, represented by its lead decommissioning contractor, Devon Industrial Group (DIG) submitted a site plan application to city staff. Staff reviewed the application and deemed it incomplete. A letter identifying additional materials needed was sent by DSI's Tom Beach to the applicant on September 27th.

On November 9th Ford and its contractors provided a supplemental set of application materials and a narrative response to Mr. Beach's letter answering items and questions. A Site Plan Review team meeting was held with Ford on November 27th. The application was deemed complete and a letter sent to Ford summarizing last items needing attention. Staff is now drafting the site plan review staff report. Tuesday, December 11, 6:30-8 pm at Gloria Dei the Highland District Council is hosting a meeting to review the Ford site plan. Ford representatives will present the highlights of the application and field questions. Tom Beach, Steve Ubl and Merritt Clapp-Smith will attend to provide information on the public review process. Staff from MPCA will attend to address any potential questions related to environmental clean up. Then the Zoning Committee's public hearing will be held on the Ford site plan. Tom Beach, Steve Ubl and Merritt Clapp-Smith will share the staff report presentation. Ford will be represented by their

decommissioning project leads. The Planning Commission will hear the Zoning Committee report on the Ford site plan application and likely be asked to vote on the matter.

Commissioner Schertler asked what decision the Planning Commission has to make, because there is nothing here that triggers an official Planning Commission review, statutorily.

Donna Drummond, Planning Director, said that any demolition in the river corridor requires a site plan review, and site plan review is the purview of the Planning Commission.

Commissioner Schertler asked if the Planning Commission reviews all demolitions in the river corridor.

Ms. Clapp-Smith explained that being in the river corridor triggers a site plan review process which is delegated to staff, and either the Planning Commission or Zoning Administrator has the purview to request or recommend that a site plan go through a public hearing process at the Planning Commission if the site plan is deemed to be of a stature or of a complexity that makes that prudent.

Commissioner Schertler did not see what added value the Planning Commission would provide unless there is a public hearing and they are anticipating someone is going to appeal the decision.

Commissioner Connolly noted that the site plan focuses on demolition of all buildings and structures, leaving the site as a seeded field, and does not address redevelopment.

Ms. Clapp-Smith said that there is a lot of technical information in the document -- 80% - 90% of what's in this application is of a technical nature to be reviewed by staff with professional expertise. They are looking for the important things that are going to keep the site safe and address any issues. However, in a project of this size, there's potential for nuisance problems from traffic, dust, noise, and things like that, which are of concern the public and can be addressed with conditions.

Commissioner Connolly asked if the end game for this phase is a field, it that because the City has required this to be done before the site is sold to someone else?

Ms. Clapp-Smith said that Ford originally intended to remove the buildings, with the potential of then transferring the property to a buyer to do the remaining work of foundation removals, etc., if necessary. This is the process Ford has used on many of its other properties. However, the Minnesota Pollution Control Agency, under its Voluntary Investigation and Clean up program, thought that given the size and amount of land covered by the foundations, it was important to remove them to complete environmental testing and characterize the site. In addition, Ford made a decision that given the nature of how this site is likely to redevelop, foundation removals would probably occur, so they might as well take that step before transferring the property for sale.

Commissioner Connolly asked if Ford can be required to recycle products and materials from the demolition work.

Ms. Clapp-Smith said that she and Anne Hunt met with Ford to discuss such goals, and learned that Ford typically achieves a high level of recycling. There are markets for many of the

decommissioned materials, so recycling makes environmental and economic sense and occurs without any requirements.

Commissioner Schertler questioned procedurally what comes before the Planning Commission and what their authority is. His concern was that they not establish a precedent for all demolition projects to go to public hearing, given the very technical nature of the review and the fact that it has nothing to do with the ultimate development. Ms. Clapp-Smith replied that bringing the site plan to public hearing is a discretionary decision to be made on circumstances of each case. Ms. Drummond added that often times the staff will proactively ask the Planning Commission to review a site plan because it has a high public profile and there is concern that there may be an appeal of the staff's decision on the site plan, which cuts deeper into the 60-day review timeline. It's always a judgment call on how controversial a project is or how likely it is to be appealed.

Commissioner Ochs would like to see a good grading plan and a stormwater management plan for the demolition because at anytime there could be a storm event that carries debris from the site to the Mississippi River corridor. There is some value in the Planning Commission review, because there may be things that others see which staff have not. It's also important to double check the order of operation, how hazardous materials are contained, where they are located, and how stormwater is managed on the site during deconstruction process.

Commissioner Spaulding asked to what extent pollution remediation is being handled during demolition, because full remediation is not necessarily part of this site plan review.

Ms. Clapp-Smith said the City is happy to have other agencies and professional staff involved in the review, for instance the stormwater and erosion management will have elements of review and permitting by both MN Pollution Control Agency (MPCA) and Capitol Region Watershed.

On the environmental side, MPCA will be working with Ford and the City staff to ensure that any necessary spot clean ups occur during the demolition process to manage any pollutants that could be a problem.

Commissioner Ward asked if anyone has looked at possible disruptions to businesses that are close by and looked at any type of monetary impact. This is not as disruptive straight down the middle of a business corridor, but it is located close to a major business corridor in Highland.

Ms. Clapp-Smith said that major business disruptions are not anticipated since demolition work is contained on site, and the trucks coming and leaving along Ford Pkwy will be fewer than those that used the corridor during plant operations.

Commissioner Ward noted that the site plan includes a traffic study, which is important and should be disseminated to the public.

Commissioner Noecker asked that if the site plan and public hearing do not generate a public outcry and an appeal seems unlikely, would the item still need to be brought to Planning Commission for an official vote on December 28th, as scheduled.

Ms. Drummond said that they won't know for sure if there is going to be an appeal until after a Planning Commission decision.

Merritt added that the Zoning Administrator intends to delegate authority to the Planning Commission to make the decision on approving the site plan, which requires a Planning Commission vote. She is not sure if it is possible for the Planning Commission to refuse that delegation of authority, particularly after the item has been scheduled for public hearing at the Zoning Committee.

Commissioner Schertler said that a site plan like this, which is long and highly technical, can be a challenge to review for the public and the Planning Commission. They must rely to a great extent on professional staff with the expertise to do the review. Therefore, the added value in bringing it to public hearing and to the Planning Commission should focus on the community impacts and policy issues to be considered.

Commissioners discussed the value of bringing large site plans to public hearing and Planning Commission review -- providing public information and a forum for input, and an extra level of review and assurance that items important to the community are being considered and addressed as appropriate.

Commissioner Nelson invited Planning Commissioners to attend the public hearing at Zoning Committee if they want to directly hear the presentation and testimony, instead of just the summary report presented the following week at the Planning Commission meeting..

Ms. Drummond added that 80% - 90% of this site plan review will be technical analysis to ensure that City requirements are met. The other 10% involves impacts on the broader community -- how is it screened, how are trucks coming in and out, what times of the day are they doing the crushing, where is that crushing facility located on the site. Those are things that have an impact on the external neighborhood and there could be frustration from the community if people are articulating those types of concerns and then just relying on staff to make the right judgment. The Planning Commission is charged with making those kinds of decisions on behalf of the community. However, to keep the public hearing focused on issues relevant to the site plan, the Zoning Committee Chair can articulate what issues are being dealt with and what issues are not, such as future uses of the site.

Ms. Drummond stated that the Chair asked her to remind the commissioners that as with any decision coming to the Zoning Committee and Planning Commission, they should not articulate a decision or opinion prior to a vote.

Chair Wencl added that if a commissioner publically articulates a position before voting on the matter at Planning Commission, then they render themselves ineligible to vote.

VI. Peak Democracy: Open Saint Paul – Informational presentation about a new mechanism for community input. (*Mary Matze, 651/266-6708*)

Mary Matze, PED intern gave an informational presentation about Open Saint Paul, which is an online forum that provides policy makers with a broader sense of public opinion. It's an online tool that gives people the opportunity to comment on issues that are happening in the City of Saint Paul. Open Saint Paul is on Saint Paul's web site but it is maintained by a company called Peak Democracy. Ms. Matze explained why Peak Democracy is used saying that it is civil, fair, guided, legal, and time-saving. Civil, because it is monitored for profanity, personal attacks and

impertinent comments and only one comment is allowed per person. Peak Democracy authenticates users making sure that there is only one email per comment and that the email address is registered with a computer. Peak Democracy also protects free speech and complies with all of the public record requirements. One of the major differences is that it's guided by the City of Saint Paul, so when issues come up and officials and staff need to know something that will help inform their work, they ask the question and provide information to the public so that it is not skewed by the media or other special interest. It is time-saving because Peak Democracy takes the comments and creates a report that shows how many people have looked at the forum and how many have participated from each of the wards and it gives a time of how many hours of public comment was received. Then Ms. Matze briefly went through the pages and gave a tour of the actual web site and all of its features.

Commissioner Connolly asked how would this guarantee a statistically representative cross section, and how are you trying to reach people?

Ms. Matze said that when there is a notice about a public meeting then they try to get a link to this web site set up and they also ask staff to tell people about this at the meeting. Also people can subscribe to Peak Democracy and in that case they will be sent a notice with a new question and then asked for their feedback on it.

Donna Drummond, Planning Director, added that they have not had a topic yet that is going to test this, how well this is going to work. A real test will be when there is a controversial topic. This will generate an automatic report with everyone's comments. It also gives people another alternative to participate without having to go to a public meeting. This has a lot of potential and the key will be to advertise it at the front end and getting topic questions set up and making sure that people are aware it is out there and they can participate this way.

Commissioner Thao expressed concerned that they are not going to get a representative sample, and will only get those who are already in the know who have computer access and enough digital literacy skills that they will be able to tell what is happening. This is a great forum for that community and hopefully there are other tools such as the District Councils and other organizations that will be going out there doing out reach to other community members as well. Commissioner Thao recommends working with the libraries because they do reach a number of people in the city. It will get to a certain segment of the population of people but she worries about all the others.

Ms. Drummond said that she has the very same concern, because there are many communities in the City of Saint Paul that do not have computer access readily available or English is their second language or for whatever reason, but they don't view this as a replacement or be all and end all for community input. This is just another tool to enhance ways to get community input.

Commissioner Noecker asked how is this going to be integrated with the Planning Commission packets?

Ms. Drummond said that they are anticipating that when they have a major public hearing coming up for Planning Commission, that right in the public hearing notice it will say if you want to comment in writing this is where to do it. The Planning Commission would then get the actual report with all the written correspondence that has come in about this particular topic.

Commissioner Nelson said that if only one comment is allowed and someone indicates support for someone else's position, can they still comment?

Ms. Drummond assumes you can indicate support for another comment as well as post your own comment. Also, you can read subsequent comments then decide to change your original comment. Ms. Drummond also explained that another benefit is the ability to post images and staff reports about a topic so that community members have enough information to post an informed comment.

Commissioner Ochs asked about the plan for publicizing this new tool.

Ms. Drummond said staff will be working with the new PED public relations manager to discuss ways to better publicize this new method for community input.

Commissioner Merrigan noted that City Councilmembers can help get the word out in their communications with constituents.

VII. Comprehensive Planning Committee

Commissioner Merrigan had no report.

VIII. Neighborhood Planning Committee

Chair Wencil announced that the next Neighborhood Committee meeting is on Wednesday, December 5, 2012.

IX. Transportation Committee

Commissioner Spaulding announced that the next Transportation Committee meeting on Monday, December 3, 2012 has been cancelled.

X. Communications Committee

No report.

XI. Task Force Reports

None.

XII. Old Business

None.

XIII. New Business

None.

XIV. Adjournment

Meeting adjourned at 10:28 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\butler\planning commission\minutes\November 30, 2012

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes December 14, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 14, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Porter, Reveal, Thao, Wang, Wenc; and Messrs. Gelgelu, Lindeke, Ochs, Oliver, Spaulding, Ward, and Wickiser.

Commissioners Absent: Ms. *Shively, and Messrs. *Connolly, *Edgerton, *Nelson.

*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Allan Torstenson, Kate Reilly, Michelle Beaulieu, Scott Tempel, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes November 30, 2012.

Chair Wenc announced that the minutes are not available at this time. However they will be ready for approval at the December 28, 2012 meeting.

II. Chair's Announcements

Chair Wenc had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that last Saturday was the grand opening celebration for Union Depot. It was an exciting event with a big turn out.

At last Wednesday's City Council meeting the nonconforming use amendments were finally approved. The City Council decided to change the provision that the Planning Commission had recommended allowing vertical expansion of non-conforming structures up to 10 feet.

Also, Ms. Drummond announced that one of the planning staff, Christina Morrison is leaving to take a job with Metro Transit as a Senior Transit Planner. Ms. Morrison is very excited about the new position but we're sorry to see her leave.

IV. PUBLIC HEARING: West Side Community Plan – Item from the Neighborhood Planning Committee. (Scott Tempel, 651/266-662)

Chair Wenc announced that the Saint Paul Planning Commission is holding a public hearing on the West Side Community Plan. Notice of the public hearing was published in the Legal Ledger

November 8, 2012, and was sent to the citywide Early Notification System list and other interested parties.

Scott Tempel, PED staff, talked about the West Side Community Plan saying that the plan has been worked on since 2011 by West Side Community Organization (WSCO). During their process they have had public meetings and visioning sessions with over 300 people participating. The plan includes sections that address community vitality and economic development in addition to the sections normally required in area plans. They have also focused on developing a clear plan for implementation.

Chair Wencil read the rules of procedure for the public hearing.

The following people spoke.

1. Ms. Elena Gaarder, Executive Director of West Side Community Organization, talked about their process and the steps taken, which included making sure that the plan was consistent with the Comprehensive Plan. They also hosted nine community workshops so they were able to capture all of the different voices of the neighborhood. They took that and created a draft that staff wrote, which then went through a City review process. They then hosted a leaders gathering with 32 people from various organizations that met and to identify priorities for implementation. Ms. Gaarder said that this has been a long time coming and they encourage the Planning Commission to forward this for approval.

Commissioner Reveal asked for some examples of some of the things that they are implementing.

Ms. Gaarder said that one of the things that came out through the West Side leaders gathering was a desire to connect West Side residents with West Side jobs. The Neighborhood House is championing that strategy and they will be partnering with an employment action center to do a jobs and training program on the West Side. The Port Authority is interested in working with them to identify sites for potential job growth centers, and the Neighborhood Development Alliance is looking at doing mixed use development at Cesar Chavez. So those are the things that are moving forward now.

Commissioner Ward asked for some examples of the outreach that was done to local citizens, rather than leaders of the community and stakeholders.

Ms. Gaarder said that their primary community engagement was done through the workshops she had previously mentioned. They recruited average residents in the neighborhood to bring together their peer networks and their neighbors to participate in the nine workshops. They went to where people normally live and congregate. They reached 125 people doing that kind of outreach, and 60% - 70% of the people that were part of those workshops were people of color and renters.

2. Ms. Karen Reid, Executive Director of Neighborhood Development Alliance, said they were a participant in the planning process and will continue to work on housing and economic development. They are grateful that WSCO incorporated past planning work for Smith Avenue and District del Sol into this plan. Neighborhood Development

Alliance has two sites identified in the District del Sol plan that they will be working to redevelop.

3. Ms. Kelly Jameson, Vice President of Property Development for the Saint Paul Port Authority, commended the West Side Citizens Organization (WSCO) on the exhaustive process to develop the plan. WSCO did a great job of reaching out to a wide variety of stakeholders and community members and the Port Authority is happy to be a partner in implementing this plan. Ms. Jamison touched on three main themes that they support in the plan. The first one is land for industry and jobs. The Initiative for a Competitive Inner City (ICIC) recently completed a study for the Port Authority that found that there is capacity and a need for industrial jobs in the city of Saint Paul. They are pleased that WSCO feels that these industrial jobs belong in their neighborhood and look forward to a partnership working with the community to create and expand job centers in the future. The second is assessment and remediation of contaminated sites. The Port Authority has a successful track record of securing funds from local, state and federal sources to assist in the remediation of brownfield sites throughout Saint Paul for industrial jobs. As opportunity for business development or expansion occurs on brownfield sites on the West Side, the Port Authority will use some of its resources to facilitate job creation. The third theme is the compatibility of recreational and residential uses surrounding the Southport Terminal. The Port Authority is committed to achieving a balance of recreational and industrial uses along the river. They are exploring a secondary access route at the Southport Terminal to alleviate some of the truck traffic and congestion that occurs on Concord Street. In addition, with the approval of their site plan for a new dock wall at the Southport terminal, the Port Authority donated some land to the City of Saint Paul for park purposes which includes a trail easement along the railway that leads to South Saint Paul. The Port Authority supports the West Side Plan. Ms. Jameson submitted a written letter from the Saint Paul Port Authority with a full list of strategies from the plan where the Port Authority is listed as a partner.
4. Mr. Armando Camacho, President of Neighborhood House, said he has witnessed community members and organizations creating a common vision to create a healthy community for the West Side. The exciting piece of this plan is that they all have ownership of this plan and its various components and as president of Neighborhood House they're looking at the work that their trying to do not only on the West Side but the East Side and also in Highland Park. Neighborhood House is really excited to support this plan and to take ownership of sections of it and supports moving forward with this plan.

Chair Wencil announced that a written letter was received from Carol Neumann and a copy of her letter will be forwarded to all of the Planning Commissioners.

MOTION: *Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, December 17, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: Highland Village Special District Sign Plan Amendments – Item from the Neighborhood Planning Committee. (Kate Reilly, 651/266-6618)

Chair Wencil announced that the Saint Paul Planning Commission is holding a public hearing on the Highland Village Special District Sign Plan Amendments. Notice of the public hearing was published in the Legal Ledger November 8, 2012, and was sent to the citywide Early Notification System list and other interested parties.

Kate Reilly, PED staff said that the Highland Village Special Sign District Plan Amendments were crafted during 2011 and 2012 by a task force made up of members of the Highland District Council and the Highland Business Association. Most of the recommendations are to clear up imprecise or unclear language and to make the sign plan more in keeping with the organization of the zoning code as a whole. There is also a recommendation to ban dynamic display signs. Included in the Planning Commission's packet were comments from the Department of Safety and Inspections (DSI) related to Dynamic Display Signs as well as other issues. Also there were two corrections made to the notes in the strikeouts and underlined version of the sign plan that the Planning Commission previously received when this was set for public hearing. Both are on page 5 – The note that begins "Change to this paragraph" should state that the proposed one times the lineal front footage is the same as the Grand Avenue Special District Sign Plan. The TN and OS-BS standard is 1.5 lineal feet of lot footage. This was changed as part of the Traditional Neighborhood code changes that went along with the Central Corridor Zoning Study. The second change is in the note that begins, "This standard, recommended by the task force," should go on to say, "is similar to the Grand Avenue Special District Sign Plan," not that it is similar to the Traditional Neighborhood and OS-B1 business districts.

Chair Wencil read the rules of procedure for the public hearing.

The following person spoke.

1. Tia Anderson, Highland District Council Board President, also a member of the Sign Plan Task Force, presented resolutions that the District Council and Highland Business Association support the sign plan. She stated that staff would provide an electronic copy of those resolutions. The Highland Village Special Sign District Plan was created in 1985 and has not been reviewed or updated since. There was a desire to update the Highland Village Special Sign District Plan to reflect changes that have happened in sign technology, the City code, and to do some modeling after the Grand Avenue code. In 2011 the District Council requested a review by the Planning Commission of the sign plan and the Planning Commission initiated a task force. The task force worked to update the sign plan and to modify the boundaries to include the Ford site and to look at the entirety of the Highland Village area, which has expanded in years beyond the corners of Cleveland Avenue and Ford Parkway. So the task force looked at expanding the boundary all the way up Cleveland Avenue to the end of Randolph and all the way up Ford Parkway to Snelling to encompass what has now become the village.

The Highland Business Association and the District Council both have voted to support the sign plan as presented earlier this year and urge the Planning Commission and City Council to adopt the sign plan. In light of some of the comments by DSI the task force plans to have additional conversations with staff about the concerns with dynamic display signs. The Grand Avenue Sign Plan and Highland Village Sign Plan have both opted to ban dynamic display signs outright, without understanding the implications to gas stations in particular. But that is something they hope to revisit with staff.

Commissioner Spaulding asked about additional comment from the task force after the public comment period has closed.

Donna Drummond, Planning Director, said that it would make sense to have the Neighborhood Committee talk about these issues and then wait to hear further discussion by the Sign Plan Task Force and take that as input. That would be appropriate in this case.

Commissioner Perrus appreciates the work put into this but she does not want to deal with this until they are dealing with this as a final set of recommendations. There is a need to address the dynamic display issue for gas stations especially before this moves further.

MOTION: *Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, December 17, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

STAFF SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

This site plan application notice was received after the meeting.

One item to come before the staff Site Plan Review Committee on Tuesday, December 18, 2012:

- Metropolitan State University, 895 car parking ramp (preliminary review) at 7th Street East and Bates Avenue.

NEW BUSINESS

#12-116-679 William Mitchell College – Conditional use permit for expansion of campus boundary. 889 Portland Avenue and 918 Portland Avenue/46 Milton Street North between Milton and Victoria. *(Michelle Beaulieu, 651/266-6620)*

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-212-747 Justin Waggoner – Change of nonconforming use from 10 unit roominghouse to 4 unit multi-family dwelling. 361 Bates Avenue between 6th and 5th. *(Kate Reilly, 651/266-6618)*

MOTION: *Commissioner Perrus moved the Zoning Committee's recommendation to approve the change of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Perrus announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 20, 2012.

VI. Comprehensive Planning Committee

Commissioner Merrigan had no report.

VII. Neighborhood Planning Committee

Shepard Davern Area Plan and Zoning Study – Initiate area plan update and zoning study.
(Michelle Beaulieu, 266-6620)

Commissioner Oliver said that the Neighborhood Planning Committee is recommending a resolution to initiate an area plan and zoning study for the Shepard Davern area. He noted that this area has its own overlay district, which will be studied as part of this process.

MOTION: *Commissioner Oliver moved the Neighborhood Planning Committee's recommendation to approve the resolution initiating an area plan and zoning study. The motion carried unanimously on a voice vote.*

Commissioner Oliver announced the items on the agenda for the next Neighborhood Committee meeting on Wednesday, December 19, 2012.

VIII. Transportation Committee

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, December 17, 2012.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:16 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\Butler\planning commission\minutes\December 14, 2012

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, December 20, 2012 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF DECEMBER 6, 2012, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 12-216-269 Wilebski's Blues Saloon**
Establishment of legal nonconforming use as a commercial parking lot
92 California Ave W, SE corner at Camelot St
RM2
Bill Dermody 651-266-6617

- 2 12-216-053 Mademoiselle Miel LLC**
Rezoning from RM2 Medium Density Multiple Family Residential to T2 Traditional
Neighborhood
340 - 342 Kellogg Blvd W, between Summit and Mulberry
RM2
Michelle Beaulieu 651-266-6620

- 3 12-215-800 Sandy's Professional Dog and Cat Grooming**
Change of non-conforming use permit to change condition regarding location of off-street
parking for existing dog and cat grooming business
360 Clifton St, SE corner at Jefferson
R4
Michelle Beaulieu 651-266-6620

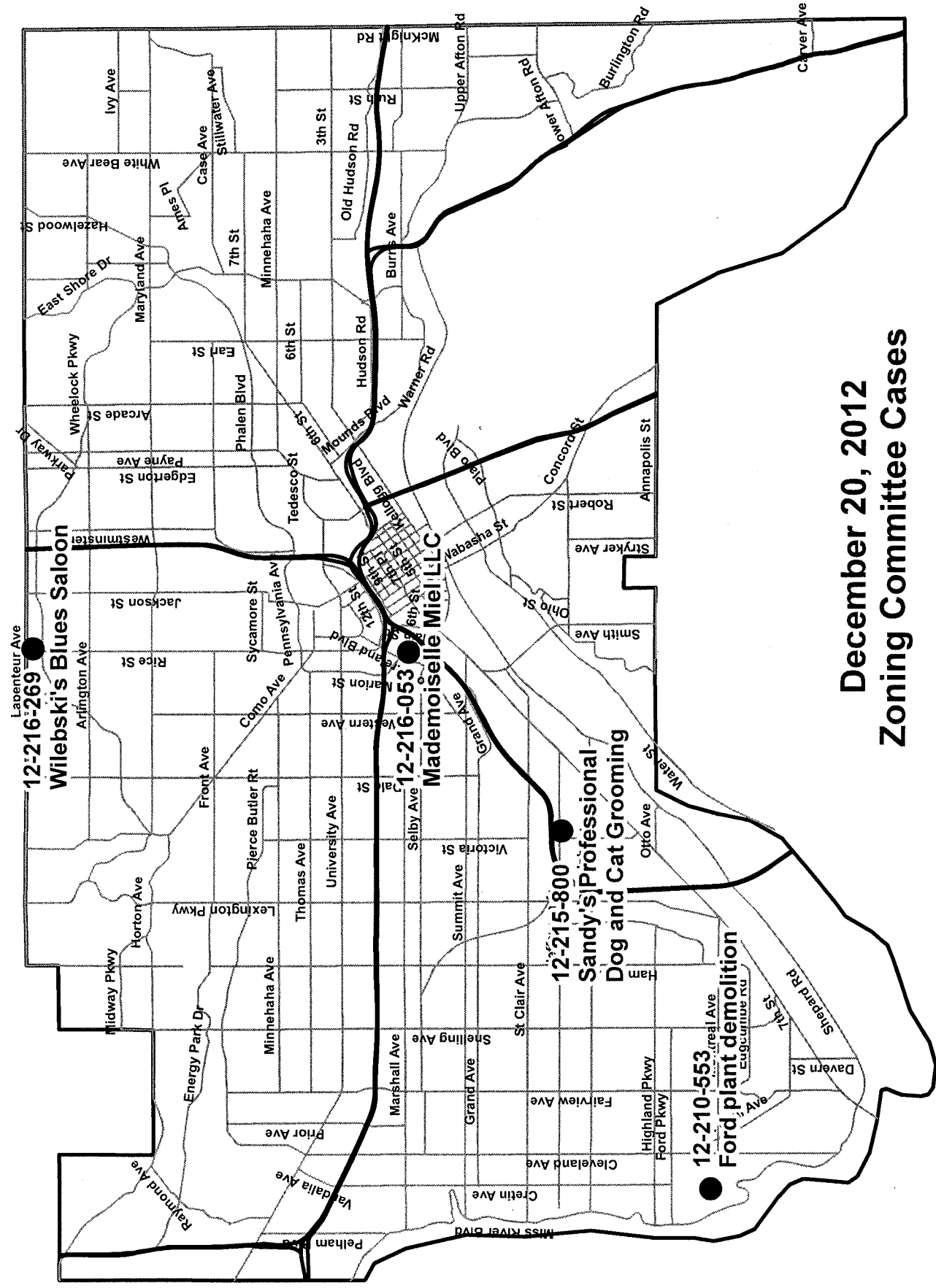
- 4 12-210-553 Ford plant demolition (phase 1, 2 and 3)**
Site plan review for the demolition of the Ford Motor Twin Cities Assembly Plant
966 Mississippi River Blvd
I1
Tom Beach 651-266-9086

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



**December 20, 2012
Zoning Committee Cases**

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Wilebski's Blues Saloon **FILE #** 12-216-269
 2. **APPLICANT:** Richard Defoe **HEARING DATE:** December 20, 2012
 3. **TYPE OF APPLICATION:** NUP - Establishment
 4. **LOCATION:** 92 California Ave W, SE corner at Camelot St
 5. **PIN & LEGAL DESCRIPTION:** 192922220010, Merrills Division Of RiceStre Lots 8 And Lot 9 Blk 4
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** Sec. 62.109(b)
 8. **STAFF REPORT DATE:** December 13, 2012 **BY:** Bill Dermody
 9. **DATE RECEIVED:** November 21, 2012 **60-DAY DEADLINE FOR ACTION:** January 20, 2013
-

- A. **PURPOSE:** Establishment of legal nonconforming use as a commercial parking lot
- B. **PARCEL SIZE:** 80' (California) x 125' (alley) totaling 10,088 sq. ft.
- C. **EXISTING LAND USE:** P-Parking Lot
- D. **SURROUNDING LAND USES:** Multi-family residential (RM2) to the northeast, east, and south; Single-family residential (R4) to the southeast; Commercial to the west along Rice Street, including a saloon immediately to the west that is associated with the subject site.
- E. **ZONING CODE CITATION:** §62.109(b) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status for a commercial parking lot.
- F. **HISTORY/DISCUSSION:** The site was zoned A-Residential in 1922 and was rezoned to RM2 in 1975 as part of a citywide rezoning. There is no other zoning history on the site. Based on aerial photographs, the site appears to have been a parking lot since at least 1985. However, the parking use has never been formally allowed on the site.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, the District 6 Council has not commented on the application.
- H. **FINDINGS:**
 1. The application proposes to establish an existing parking lot as a legal nonconforming use. The parking lot contains 40 spaces according to the application materials.
 2. If approved, the parking lot would be used in conjunction with Wilebski's Blues Saloon, 1638 Rice Street, which is located immediately across the alley to the west of the subject site. The saloon formerly contracted for spaces in a parking lot west of Rice Street, but no longer has rights to those spaces and is in need of additional parking capacity in order to meet city regulations.
 3. Section 62.109(b) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and IR-I1 industrial districts if the commission makes six findings. The findings and the applicant's ability to meet them are as follows:
 - (1) *The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the application.* This finding is met. The applicant testifies in the application materials that the site has been used as a parking lot for the adjacent saloon since he purchased the property in 1997. Aerial photographs appear to show that the site has been a parking lot since at least 1985.
 - (2) *The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application.* This finding is not met. The approximately 80' x 125' lot appears able to support a multi-family residential development of a footprint greater than 4,000 square feet in size with six (6) parking spaces. The lot exceeds the minimum parcel size of 9,000 square feet for multi-family residential uses.
 - (3) *The parking lot is to serve abutting commercially or industrially zoned property.* This finding is met. The parking lot is to serve the abutting commercial use to the west at 1638 Rice Street.

- (4) *The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding could be met if the parking lot is properly maintained and free of litter.
- (5) *The parking lot is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan designates the site as an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The District 6 Plan does not contain any provisions specific to the site or surrounding area.
- (6) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot.* This finding can be met. One page of the petition, containing one signature, has been properly notarized. Two other pages still require proper notarization on city forms. The petition information is as follows: 9 parcels eligible; 6 parcels required; 7 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the establishment of legal nonconforming use as a commercial parking lot.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #: 12-216269

Fee: 700.00

Tentative Hearing Date:
12-20-12

19292220010

APPLICANT

Name Richard DeFoe

Address 1638 Rice St.

City St. Paul St. MN Zip 55117 Daytime Phone 651-231-0334

Name of Owner (if different) _____

Contact Person (if different) Kirsten Libby Phone 651-487-1208 ext 1

PROPERTY LOCATION

Address/Location *92 California Ave W

Legal Description Lots 8 & 9, Block 4, Merrill's Division of Rice

St. Villas Current Zoning Residential
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. b)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Commercial Parking Lot

Proposed Use Commercial Parking Lot

Attach additional sheets if necessary

Attachments as required ☒ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature Richard DeFoe Date 11/30/12 City Agent pdid

Libby Law Office, P.A.

Attorneys at Law

Kirsten J. Libby, Esq. kirsten@libbylawoffice.com
Anthony D. Johnson, Esq. tony@libbylawoffice.com
Christopher J. Heinze, Esq. chris@libbylawoffice.com

855 Rice Street, Suite 100
St. Paul, MN 55117

Office (651) 487-1208
Fax (651) 487-0662

November 19, 2012

Department of Planning and Economic Development
Attention: Paul Dubruiel
1300 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

Re: Richard A. Defoe Enterprises, Inc., d/b/a Wilebski's Blues Saloon
1638 Rice Street, St. Paul, MN

PETITION FOR NONCONFORMING COMMERCIAL PARKING USE PERMIT

Dear Mr. Dubruiel:

Pursuant to Section 62.109 of the St. Paul Municipal Code please find this petition for nonconforming use permit for the above captioned real property. Enclosed please find a completed Nonconforming Use Permit Application, a notarized petition of neighboring property owners in support, an Affidavit of Petitioner, and a site plan.

Under 62.109(b) of the St. Paul Municipal Code this petition is for a Nonconforming Commercial and Industrial Parking Use permit. The code states in pertinent part that:

The planning commission may grant legal nonconforming status to allow the use of land without completely enclosed buildings as a parking lot to serve abutting property in OS-B5 Business and IR-11 industrial districts if the commission makes the following findings:

- 1) The commercial or industrial parking lot has been paved, maintained and used for commercial or industrial parking for at least ten (10) consecutive years prior to the date of the applications;
- 2) The parking lot occupies a legally subdivided parcel that is too small for development and has not been owned by a different adjoining property owner for at least ten (10) years prior to the date of the application;
- 3) The parking lot is to serve abutting commercially or industrially zoned property;
- 4) The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- 5) The parking lot is consistent with the comprehensive plan; and

- 6) Two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot on the City of St. Paul's "Consent of Adjoining Property Owners for a Nonconforming Use Permit."

The parking lot that is the subject of this petition exists upon Lots 8 and 9, Block 4, Merrill's Division of Rice Street Villas, according to the plat thereof. The parking lot is accessible from California Avenue and from alley access behind Wilebski's Blues Saloon.

The parking lot is paved, it is maintained by Wilebski's Blues Saloon and it has used for commercial parking for at least the past ten (10) consecutive years (*See Affidavit of Richard A. Defoe*). As set forth above the parking lot occupies a parcel that covers two small lots. This parcel abuts up against an apartment building and its large parking lot to the east. To the south is a garage for another apartment building. To the west is Wilebski's Blues Saloon. The parcel is too small to be economical for either residential or commercial development. The parcel would not support enough parking for a commercial building on this site. The site is also too small for residential development, as it is flanked by either commercial or dense residential properties on either side – there is no market to develop the parcel as residential. This parcel has been taxed as commercial industrial property at least since 2001 (which is as far back as I could get the tax records without going into the archives).

The parking lot has not been owned by a different adjoining property owner for the past ten years. Mr. Defoe purchased the three parcels of land on a contract for deed in approximately 1997 from Wayne and Janet Belisle, and in 2007 received a deed in fulfillment of the contract. Indeed, when Mr. Defoe purchased the property in 1996, the lots in question were already paved and the property was sold as a parking lot. (*See Affidavit of Richard A. Defoe*). As far as we can tell it has been a parking lot since the 1970's.

The parking lot is to serve abutting commercially property, specifically Wilebski's Blues Saloon. (*See Affidavit of Richard A. Defoe*). The parking lot will not be detrimental to the existing character of development in the immediate neighborhood. As set forth above, the parking lot is of the same character of the immediate neighborhood. It services Wilebski's Blues Saloon, and abuts against two other parking lots – the parking lot for the apartment building to the east and Wilebski's Blues Saloon main parking lot to the west. The parking lot does nothing to endanger the public health, safety, or general welfare of the immediate neighborhood.

This petition allows the use that has been existence on this land as far back as forty years to become a recognized and legal use. It also allows this business to come into compliance with its parking requirements.

Enclosed with this petition for a nonconforming commercial parking use permit is the requisite notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the parking lot. In this case there are five property owners within 100 feet. Mr. Defoe has obtained signatures of four of them, which is 80%.

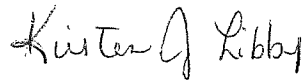
Additionally, in support of the petition, enclosed is the notarized Affidavit of Richard A. Defoe and aerial photographs showing the real property that is the subject matter of this petition, copies of plat maps showing the location of the real property, a copy of the deed referenced in the Affidavit of Richard A. Defoe, and the requisite signed consents of the owners of the real property that is located within 100 feet of the subject property.

Mr. DeFoe put this application in front of the District 6 Land Use Task Force on September 25, 2012 where it received a unanimous endorsement by the members, with no changes or conditions, whatsoever required or requested.

We therefore respectfully submit this Petition for a Nonconforming Commercial Parking Use Permit.

Sincerely,

LIBBY LAW OFFICE, P.A.

A handwritten signature in cursive script that reads "Kirsten J. Libby".

Kirsten J. Libby

Encl.

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Kirsten Libby, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

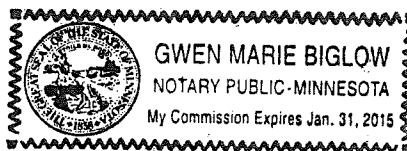
Kirsten G. Libby
NAME

855 Rice St.
ADDRESS

651-487-1208 ext 1
TELEPHONE NUMBER

Subscribed and sworn to before me this
19th day of November, 2012.

Gwen M. Biglow
NOTARY PUBLIC



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of RICHARD DeFOE (BLUES SALOON)
(name of applicant)

to establish a PARKING LOT
(proposed use)

located at 1638 Behind 1638 Rice @ 92 CALIFORNIA ST.
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
107 W. Belmont St.	Yes	John Beatty	11-10-12

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

A copy of the application of Richard DeFoe
(name of applicant)

to establish a PARKING LOT
(proposed use)

located at 1638 Rice STREET
(address of property)

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

Exhibit E

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

A copy of the application of RICHARD VETOS
(name of applicant)

located at Behind Blue Falcon where cars currently park
(address of property) 1638 Rice St.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

[illegible]

9/08

SKETCH PLAN

for ~ RICH DeFOE
of ~ CLUB CANCUN SITE
1638 RICE STREET
ST. PAUL, MN 55108

PROPERTY DESCRIPTION:

Lots 12, 13, 14, 15 and 16, Block 4, MERRILLS DIVISION OF RICE STREET VILLAS, according to the plat thereof and situate in Ramsey County, Minnesota, AND
Lots 8, 9 and 11 and the south 5 feet of Lot 10, except the north 4 feet of said south 5 feet of the west 26 feet thereof, all in Block 4, MERRILLS DIVISION OF RICE STREET VILLAS, according to the plat thereof and situate in Ramsey County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 9/3/08.
- Benchmarks shown are on an assumed datum.
- City of St. Paul vertical datum (benchmark shown on survey).
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional information may be obtained by title search and examination of the same shown herein. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

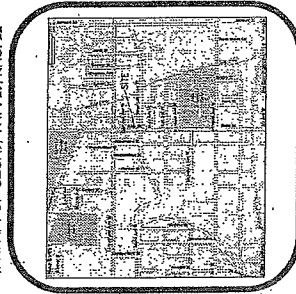
LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- ✱ DENOTES HYDRANT
- DENOTES GAS METER
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES FENCE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- ✱ DENOTES LIGHT POLE
- x 112.24 DENOTES EXISTING SPOT ELEVATION

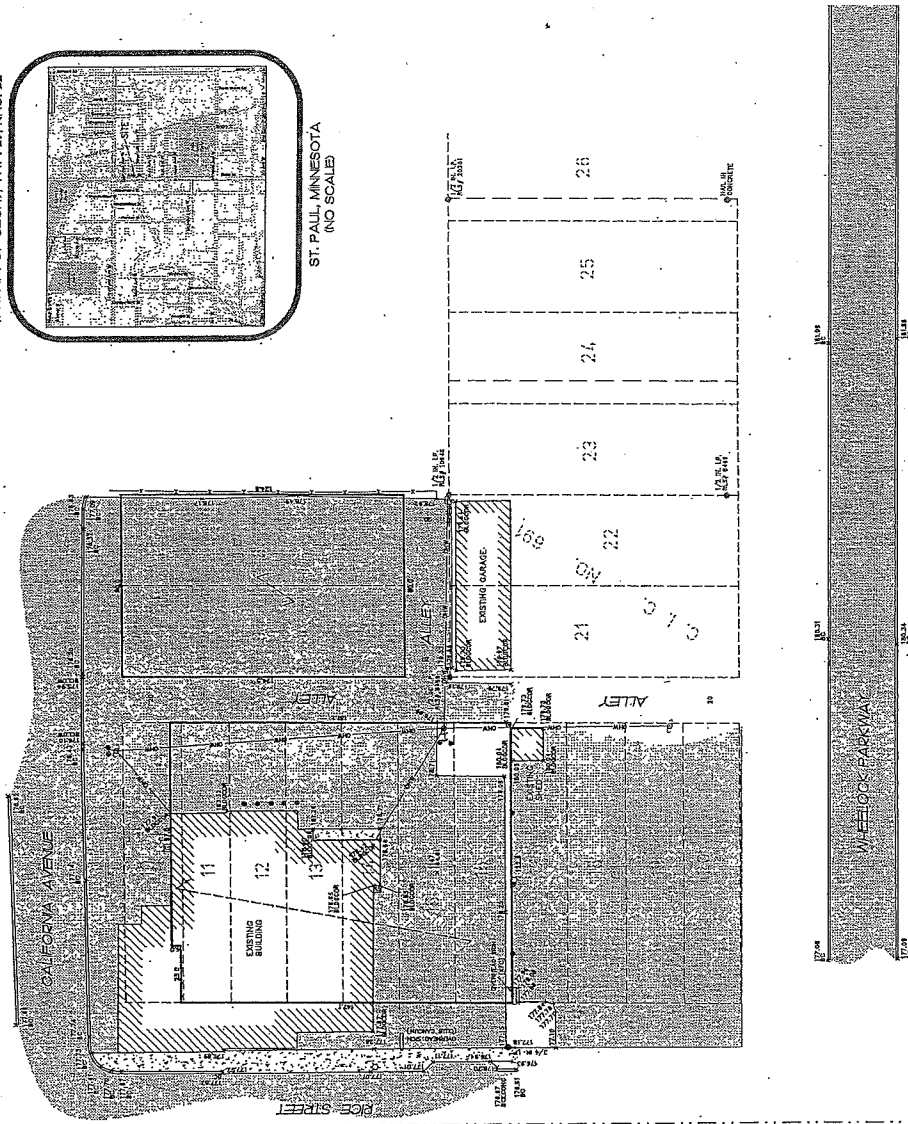
E.G. RUD & SONS, INC.
EST. 1971 Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel: (651) 361-8200 Fax: (651) 361-8701
www.egrud.com

CITY OF ST. PAUL
RECORDING
SEP. 10.11.02

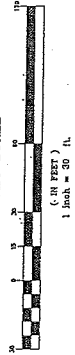
VICINITY MAP
NW 1/4 OF SEC. 19, TWP. 23, RNG. 22



ST. PAUL, MINNESOTA
(NO SCALE)



GRAPHIC SCALE



NO.	DATE	DESCRIPTION	BY
1			
2			
3			

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

NO.	DATE	DESCRIPTION	BY
1			
2			
3			

STATE OF MINNESOTA)
) ss

COUNTY OF RAMSEY)

**AFFIDAVIT OF RICHARD DEFOE IN SUPPORT
OF THE APPLICATION FOR A
NONCONFORMING USE PERMIT (62.109)**

I, Richard DeFoe, make the following statement under oath in support of the Petition of
Non-Conforming Use Permit:

1. I am the owner of real property located at 92 California W, 1638 Rice Street, 1646 Rice Street (see Exhibit A - Deed).
2. On September 25, 1997 I purchased three parcels of property from Wayne T. Belisle and Janet Belisle through an Assumption Agreement (See Exhibit B – Assumption Agreement), said property including the structure now known as the Wilebski's Blues Saloon (PID 192922220013 and PID 19292222012) and the parking lot behind the Wilebski's Blues Saloon (PID 192922220010).
3. On September 1, 2007, I received a deed from Wayne T. Belisle and Janet Belisle for the property described in paragraph 2 above which in part consists of the surface parking lot that exists on the entirety Lots 8 and 9, all in Block 4, Merrill's Division of Rice Street Villas, according to the plat thereof, among other real property (see Exhibit C – Plat).
4. Since at least 1997 the aforementioned property has been a paved parking lot, maintained and used as a commercial parking lot for Wilebski's Blues Saloon, located at 1648 Rice Street, in St. Paul.
5. The parking lot occupies a legally subdivided parcel that is too small for any practical development and has not been owned by a different adjoining property owner in the past ten (10) years.

6. The Lots 8 and 9 are currently zoned residential, however, the taxes levied are and have been commercial/industrial, which are substantially higher than residential non-homestead as far back as the Ramsey County Assessor keeps records on-line (2001).

7. The parking lot will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety or general welfare. The current neighborhood consists of fast food restaurants, gas stations, strip mall, and multi-family apartment buildings. The approval of this petition recognizes the parking lot that I believe has been here for the past forty years.

8. The service of the above referenced parking lot to Wilebski's Blues Saloon is vital to the commercial success of Wilebski's Blues Saloon, and its ability to meet its parking requirements. I am required to have 68 parking spaces. I have thirty spaces to the south of the Saloon and 40 spaces in Lots 8 and 9 (see Exhibit D – aerial photo).

9. Without the ability to meet the parking requirement, I will lose my ability to make a living, because I will lose my licenses to run the Wilebski Blues Saloon.

10. I have personally gathered signatures on the "Consent of Adjoining Property Owners for a Nonconforming Use Permit" from four of the five property owners within 100 feet, which is more than the required two-thirds (see Exhibit E).

11. I respectfully request that the Petition of Non-Conforming Use Permit be approved in perpetuity, without additional conditions except the conditions which already exist in city ordinances, rules and regulations.

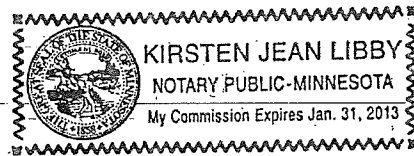
The information in this Affidavit is true and correct to the best of my knowledge.

Richard A. Defoe

Richard A. Defoe

Subscribed and sworn to before me this
25 day of September, 2012.

Kirsten J. Libby
Notary Public



Document# 4273260
Recorded 03/28/2011 1600
County Recorder, Ramsey County, MN
No Delinquent Taxes & Transfer Entered 03/28/2011
Deed Tax Paid 03/28/2011
6.1.6 550761

SD/DOCS 27-M - QUIT CLAIM DEED

Individual(s) to Individual(s)

(Top 3 inches Reserved for Recording Data)

Miller/Davis Co. • St. Paul, MN 651-642-1988

Minnesota Uniform Conveyancing Blanks (1/15/97)

DEED TAX DUE: \$ 1,445.00

Date: September 1, 2007

FOR VALUABLE CONSIDERATION, Wayne T. Belisle and Janet Belisle, husband and wife

(marital status)

Grantor, hereby conveys and quitclaims to Richard A. DeFoe

Grantee, real property in Ramsey County, Minnesota, described as follows:

Lots 12, 13, 14, 15, and 16, Block 4, Merrills Division of Rice Street Villas, according to the recorded plat thereof

AND

Lots 8, 9, 11 and the South 5 feet of Lot 10, except the North 4 feet of said South 5 feet of the West 25 feet thereof, all in Block 4, Merrills Division of Rice Street Villas, according to the recorded plat thereof

together with all hereditaments and appurtenances.

Check box if applicable:

- ☒ The Seller certifies that the seller does not know of any wells on the described real property.
☐ A well disclosure certificate accompanies this document.
☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Wayne T. Belisle
Wayne T. Belisle
Janet Belisle
Janet Belisle

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF RAMSEY

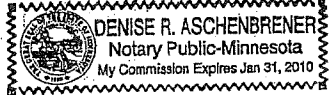
} ss.

This instrument was acknowledged before me on

October 4, 2007
Date

by Wayne T. Belisle and Janet Belisle, husband and wife

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Glenn A. Bergman
Peterson, Fram & Bergman
Suite 300
50 East Fifth Street
St. Paul, MN 55101
(651) 291-8955/(651) 228-1753
747X PFB#14199-040002

Denise R. Aschenbrenner

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens) ☐

Tax Statements for the real property described in this instrument should be sent to (include name and address of Grantee):

Richard A. DeFoe
7265 Main Street
Centerville, MN 55038

Exhibit A

3015885

Instru #	0310
Filing fee	1950
Rec copy	
Cer copy	
Initials	Dr
Pd by/bill	Ch

OFFICE CO. RECORDER
RAMSEY COUNTY MN
CERT. RECORDED ON

1997 OCT -2 P 12:54

COUNTY RECORDER

BY ye DEPUTY

(Reserved for Recording Data)

ASSUMPTION AGREEMENT

Loan #1000202

This Agreement is made as the 25th day of September, 1997, by and among Wayne T. Belisle and Janet M. Belisle, (Seller), Community National Bank, a United States corporation (hereinafter referred to as "CNB") and Richard A. DeFoe,
a single person

(hereinafter referred to as "Purchaser").

RECITALS:

A. Seller is obligated and liable for the payment to CNB of the debt (hereinafter referred to as the "Loan") evidenced by a promissory note (hereinafter referred to as the "Note") dated November 24, 1995, executed by Seller, which Note is secured by a mortgage (hereinafter referred to as the "Mortgage") dated November 24, 1995 and recorded on November 27, 1995 as document number 2899927 with the Registrar of Titles/County Recorder of Ramsey County,

RETURN TO

Community ¹⁹⁵ Natl Bank

Exhibit B

3015885

Minnesota for real estate (hereinafter referred to as the "Property") located in Ramsey County, Minnesota, described as follows:

See Exhibit A attached hereto.

B. There is due and owing as of September 25, 1997, the following amounts on the Note:

i. Principal \$258,285.86; and

ii. Interest 700.56.

C. Seller has sold and conveyed or is about to sell and convey the Property to Purchaser.

D. The Mortgage and/or other documentation evidencing the Loan requires CNB's prior consent to any transfer of the Property.

E. CNB is unwilling to consent to the assumption of the Loan by the Purchaser unless the Purchaser expressly assumes liability to repay the Loan as further provided herein.

COVENANTS

FOR THE REASONS set forth above, and in consideration of the mutual covenants and promises of the parties hereto, the parties hereto covenant and agree as follows:

1. Purchaser's Assumption of Liability. Purchaser agrees to pay the Note and all obligations thereunder at the times, in the manner and in all other respects upon the terms and conditions specified therein and shall abide by and comply with the terms set forth in the Mortgage, and to be bound by the Note and Mortgage as though the Note and Mortgage had originally been executed by the Purchaser, including any amounts due and owing on the Note or Mortgage at the time of the execution of this Assumption, and further affirms that the promises and warranties set forth therein are true and correct. Seller and Purchaser warrant to CNB that the fee simple title to the Property has been or is being transferred simultaneously herewith to Purchaser and

that Purchaser shall have good right and title to said Property following the conveyance.

2. Release of Seller's and Other Party's Liability. CNB hereby releases Seller from any and all current and future liability under or on account of the Note and Mortgage.

3. Consent by Lender. Subject to satisfaction of the terms and conditions contained herein, CNB consents to the purchase by Purchaser of the Property.

4. No Impairment of Lien. The Property shall remain subject to the lien of the Mortgage and nothing herein shall affect the lien of the Mortgage or the priority thereof or release or affect the liability of any party liable under or on account of the Note and/or the Mortgage, except as expressly provided herein.

5. No Impairment of right to Future Consent. Nothing contained herein shall in any manner affect CNB's discretionary right to refuse to permit any future assumption of the Loan.

6. No Waiver of Default. This Agreement shall not operate to waive any existing default or defaults under the Note and/or Mortgage and CNB shall have any and all remedies against the Purchaser and the Property for any such default that are available to CNB under the Note or Mortgage at law or in equity.

7. Governing Law. This Agreement and all provisions hereunder shall be governed by and construed in accordance with the laws of the State of Minnesota without reference to any conflict of law provisions.

IN WITNESS WHEREOF, the parties hereto have set their hands as of the day and year first above written.

3015885

Notary Public

State of Minnesota

195

County of Chisago)

SHELLY J. SEDERBERG
NOTARY PUBLIC-MINNESOTA
CHICAGO COUNTY

My Comm. Expires Jan. 31, 2000

This instrument acknowledged before me this 25th day of September

1997, by Richard A. DeFoe, a single person

Purchaser.

Notary Public

This Instrument by:

Stern & Anderson, P.A.

200 Barristers Trust Building

247 Third Avenue South.

Minneapolis, MN 55415

ALLY J. SEDERBERG

✓ PUBLIC-MINNESOTA

'SAGO COUNTY

Expires Jan. 31, 2000

SHELLY J. SEDERBERG
NOTARY PUBLIC-MINNESOTA

CHISAGO COUNTY

My Comm. Expires Jan. 31, 2000

EXHIBIT A

Legal Description

Parcel 1: Lots 12, 13, 14, 15 and 16, Block 4, Merrills Division of Rice Street Villas, according to the recorded plat thereof, and situate in Ramsey County, Minnesota.

Parcel 2: Lots 8, 9, 11 and the South 5 feet of Lot 10, except the North 4 feet of said South 5 feet of the West 24 feet thereof, all in Block 4, Merrills Division of Rice Street Villas, according to the recorded plat thereof, and situate in Ramsey County, Minnesota.

MINNESOTA,)
 ss.)
 of)

Step of the Register of Deeds.
 is to certify that the within
 ment was filed for Record
 Office, at St. Paul, on the
 day of March, A. D.
 1921 o'clock P. M., and
 became duly recorded in
 of 11.....

P. C. Wiley
Register of Deeds
St. Paul, Minn.

Rice

Minnesota, Lake Como and Phil

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

California

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

Idaho

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
9	8	7	6	5	4	3	2	1												

Street

18

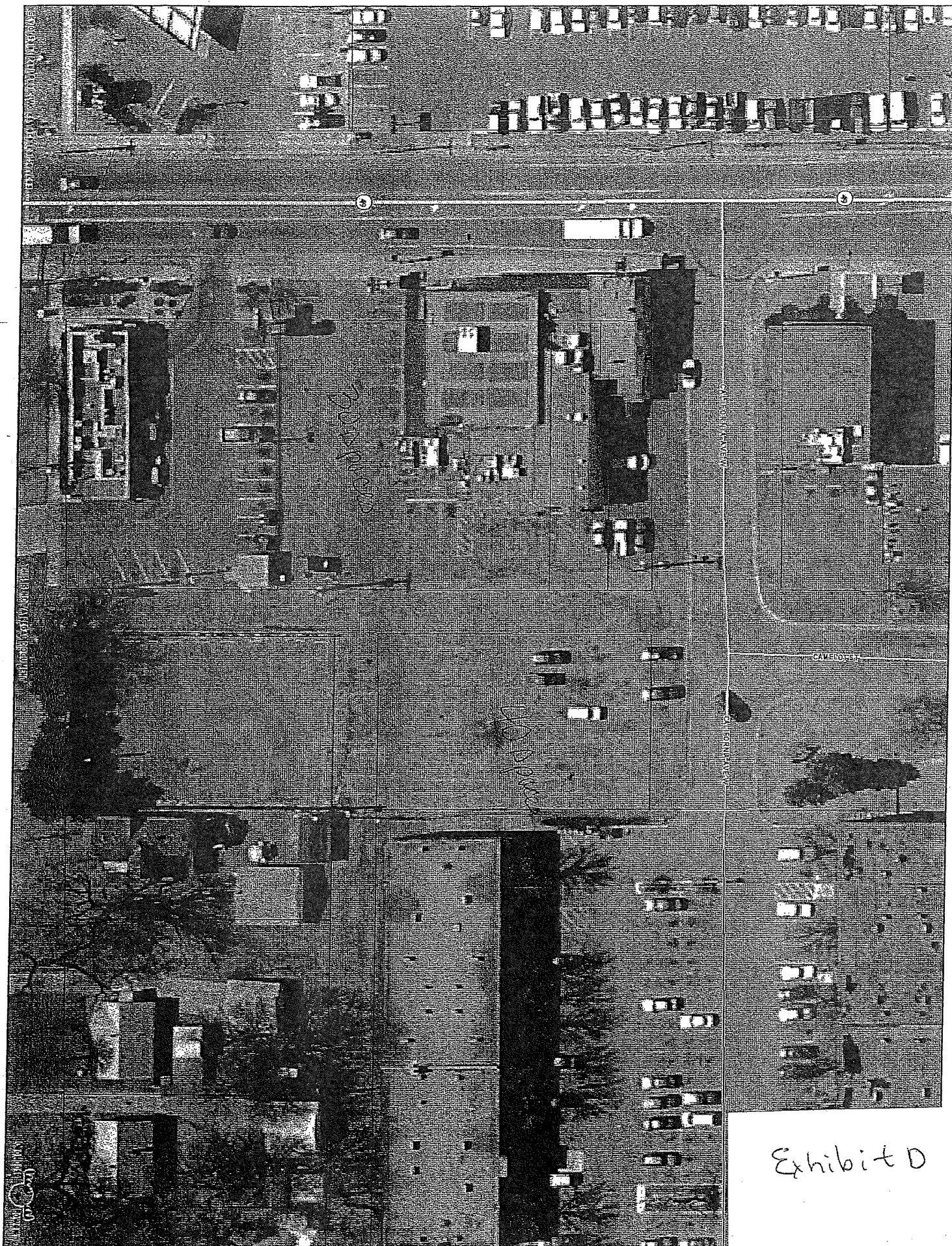
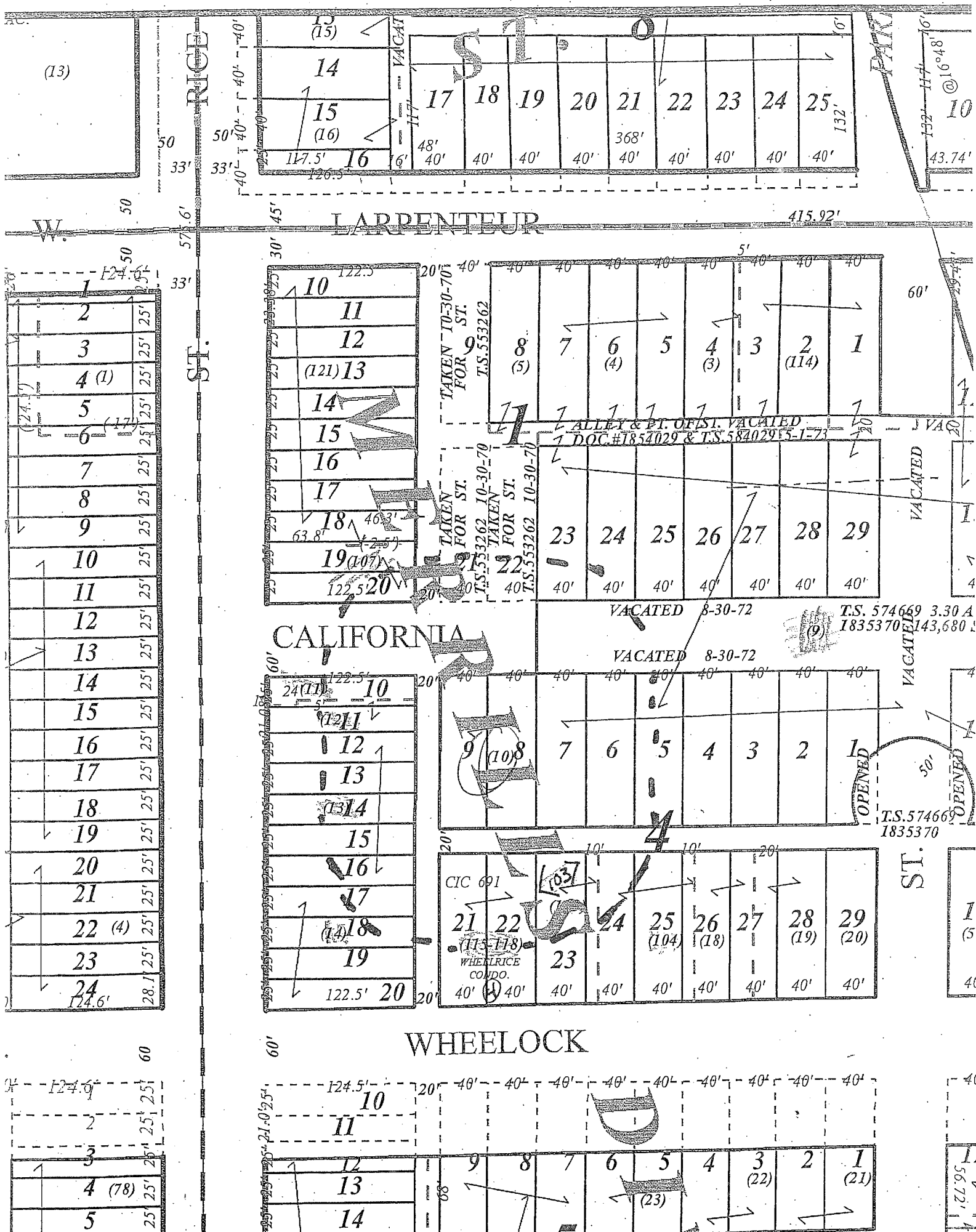


Exhibit D

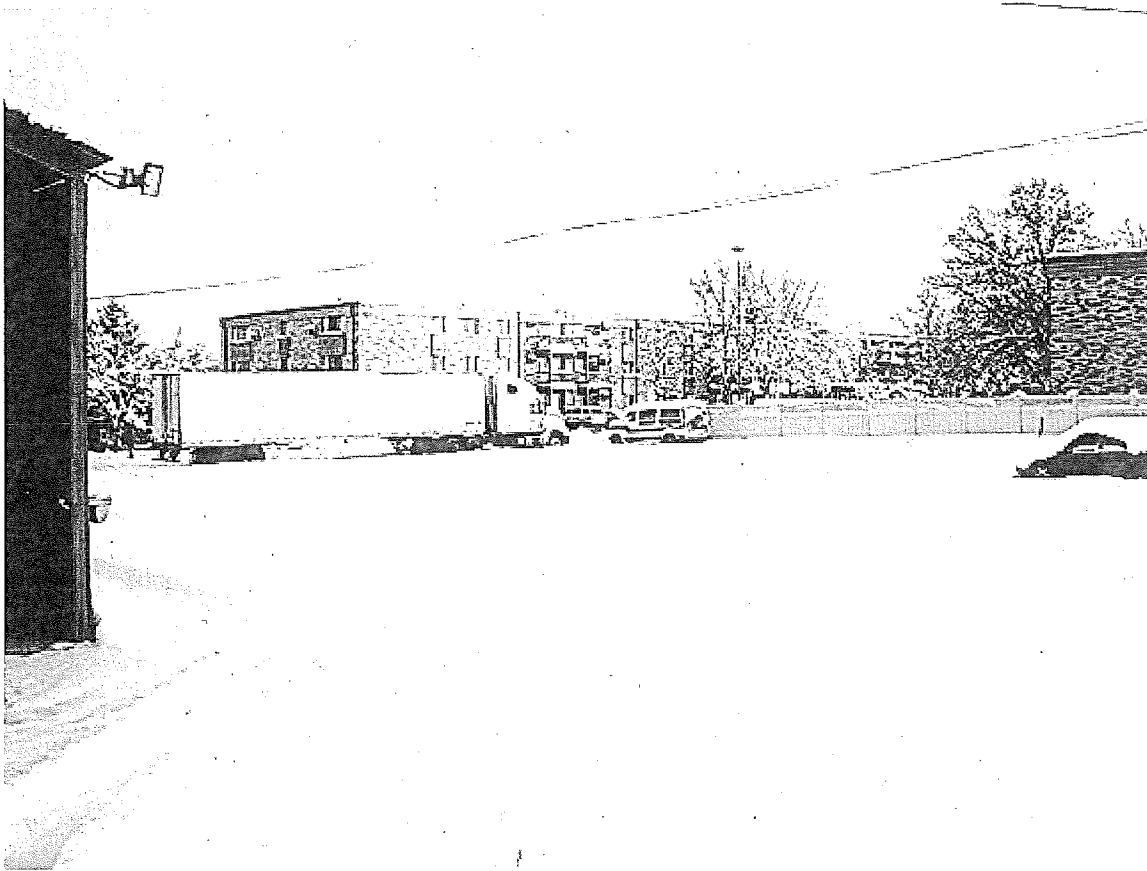




From NE corner of subject site facing SW, toward saloon



From NW corner of subject site facing S, toward apartments



From saloon looking across subject site, facing SW

TEUR

LARPENTEUR

ALPARDI

PARK

CALIFORNIA

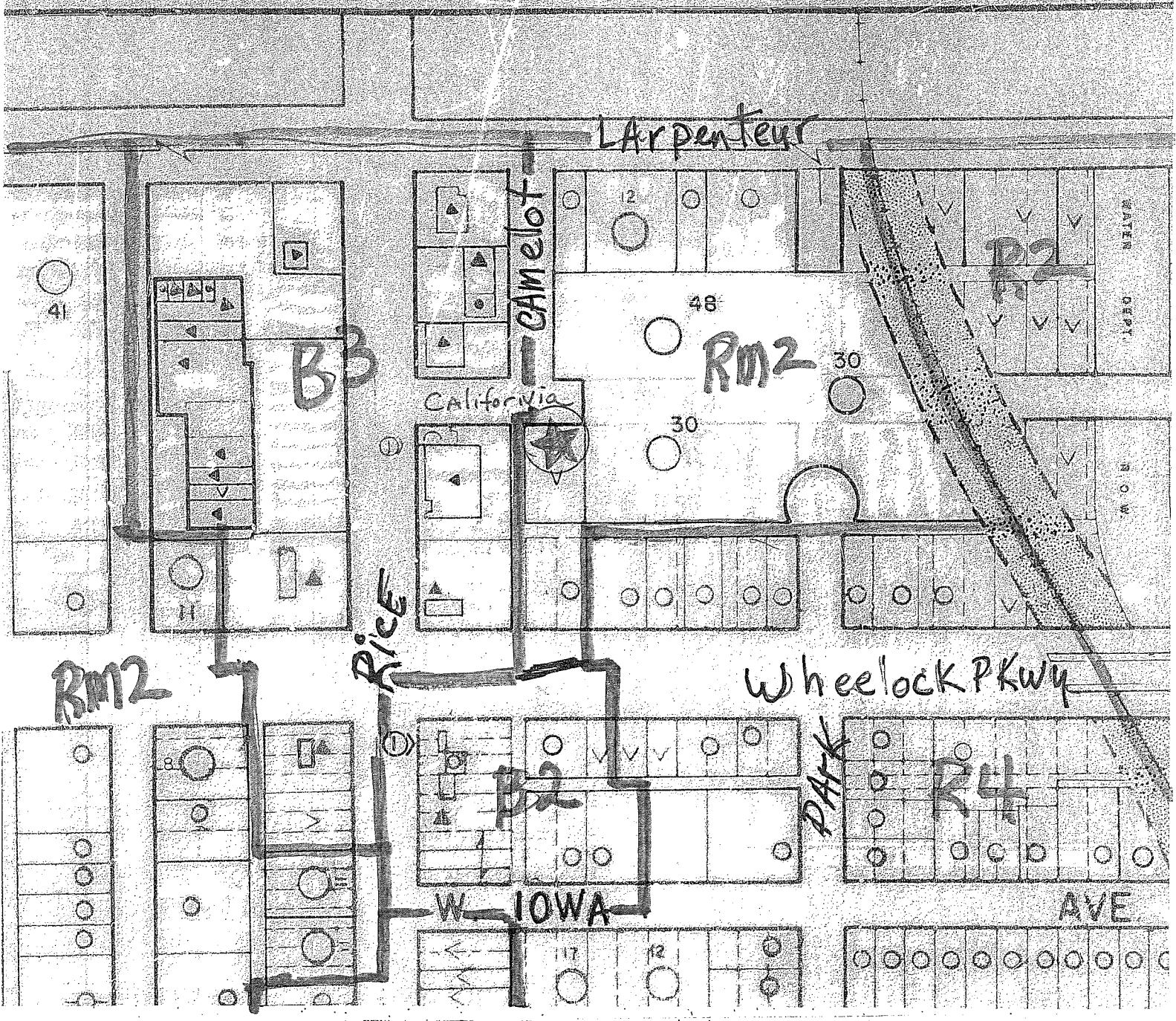


RICE

WHEELLOCK

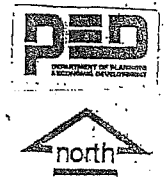
WHEELLOCK

PARK



APPLICANT Richard De foe
 PURPOSE Establishment of wcup
 FILE # 12-216269 DATE 12-4-12
 PLNG. DIST. 6 Land Use Map # 4
 Zoning Map # 3+4
 SCALE 1" = 400'

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Mademoiselle Miel LLC **FILE #:** 12-216-053
 2. **APPLICANT:** Donna M Sauro Trustee and **HEARING DATE:** December 20, 2012
Susan Sauro Kane Trustee
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 340-342 Kellogg Blvd W, between Summit and Mulberry
 5. **PIN & LEGAL DESCRIPTION:** 012823110001; Culver Farringtons Subd Nely 5 Ft Of Lot 1
And Ex 6th St Lot 2
 6. **PLANNING DISTRICT:** 17 **EXISTING ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** December 12, 2012 **BY:** Michelle Beaulieu
 9. **DATE RECEIVED:** November 15, 2012 **60-DAY DEADLINE FOR ACTION:** January 14, 2013
-

- A. **PURPOSE:** Rezoning from RM2 medium-density multiple family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** Approximately 145 ft. (Kellogg Blvd W) x 105 ft. (Summit Ave) = 15225 sq ft
- C. **EXISTING LAND USE:** Multiple family residential and commercial
- D. **SURROUNDING LAND USE:**
North: Institutional, Capitol Area Jurisdiction (CA)
East: Institutional, Capitol Area Jurisdiction (CA)
South: Institutional, exempt office space (RM2)
West: Medium-density multiple family residential (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The parcel at 340-342 Kellogg Blvd W / 168-170 Summit Ave has two buildings on it, both owned by the Sauro family. The building at 168-170 Summit Ave is a three-story multiple family residential building with 19 units. The building at 340-342 Kellogg Blvd W is a mixed-use building with one commercial space and one residential unit, both of which are presently vacant. The commercial space has been vacant for approximately four years, and the residential unit has been vacant for approximately 8 months. The most recent use of the commercial space was as an artist's studio. The Sauro family has owned this property for 48 years.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 17 Council had not submitted any recommendation at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is requesting the rezoning to allow a small-scale chocolate manufacturing facility to move into the building at 340-342 Kellogg Blvd W, a one-story mixed use building, with a vacant commercial space in the front of the building and a vacant residential space in the rear of the building. The applicant proposes to use the front of the building as the manufacturing space, and the back of the building as an accessory office. No changes are proposed for the multiple family building on this parcel.
 2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district's intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages a variety of uses and housing types. This property is located in an area with medium residential density and medium employment density. Two bus

routes run adjacent to this property. The property is across the street from the Minnesota History Center to the north, and from CommonBond Communities, a nonprofit, to the east. This mix of uses is consistent with the mix of uses permitted in a T2 traditional neighborhood district. The proposed T2 zoning is appropriate for the area.

3. The proposed zoning is consistent with the Comprehensive Plan. 340/342 Kellogg Blvd W is located in an identified "Major Institutional" employment district on the Employment Districts map in the Land Use chapter of the Comprehensive Plan (Figure LU-F). This proposed rezoning is also consistent with land use policy 1.48: *Support compatible mixed-use within single buildings and in separate buildings in close proximity*. Rezoning this property from RM2 to T2 will permit a mix of uses that is consistent with the Comprehensive Plan.
 4. The proposed zoning is compatible with the mix of uses in the surrounding area. This property is adjacent to the Capitol Area Jurisdiction, which contains a mix of institutional, commercial, and residential uses. The property is adjacent to residential buildings and across the street from the surface parking lot of another institutional office building. A small-scale chocolate manufacturing facility is compatible with this mix of uses.
 5. The proposed rezoning is not considered spot zoning because of the adjacent mix of uses. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."*
 6. The petition for rezoning was found to be sufficient on December 3, 2012: 5 parcels eligible; 4 parcels required; 4 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RM2 medium-density multiple family residential to T2 traditional neighborhood.



PETITION TO AMEND THE ZONING CODE
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1834
 (651) 268-6589

PD17

Zoning Office Use Only
 File #: 12-216053
 Fee: 1200.00
 Tentative Hearing Date: 11-29-12

APPLICANT

Property Owner Donna M. Sauro / Susan Sauro Kane (address on additional sheet)
 Address 4372 Little Bluestem Tr. N.
 City Lake Elmo St. MN Zip 55042 Daytime Phone _____
 Name of Owner (if different) _____
 Contact Person (if different) Jay Sauro Phone 612-747-9922

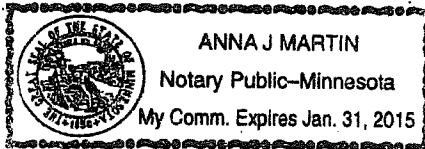
PROPERTY LOCATION

Address/Location 342 Kellogg Blvd. W
 Legal Description Culver Farringtons Subd Nely S ft. of Lot 1
And 6th St Lot 2 Current Zoning RM2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Donna M. Sauro / Susan Sauro Kane, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a RM2 zoning district to a zoning
 district, for the purpose of: T2

Susan Sauro Kane
 Subscribed and sworn to before me
 this 13th day of November, 2012
[Signature]
 Notary Public

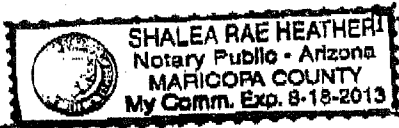


(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me
 this 12th day

of November, 2012
Shalea Rae Heather
 Notary Public



By: [Signature]
Donna M. Sauro
 Fee owner of property

Title: Owner

add 11/15/12

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Donna M. Savro / Susan Savro Kane,
(name of petitioner)
to rezone the property located at 342 Kellogg Blvd. W,
from a RM2 zoning district to a T2 zoning district and
2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Donna M Savro / Susan Savro Kane to a T2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-22-0002	State of MN DOT		
01-28-23-11-0073	Pergola Trvst LLC		11/14/12
06-28-22-22-0069	City of St. Paul		11/13/12
06-28-22-22-0090	Diocese of St. Paul		
01-28-23-11-0001	Donna M. Savro Susan Savro Kane		

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Donna M. Sauro / Susan Sauro Kane,
(name of petitioner)

to rezone the property located at 342 Kellogg Blvd. W,

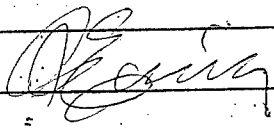
from a RM2 zoning district to a T2 zoning district and

2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Donna M Sauro / Susan Sauro Kane to a T2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-22-0002	State of MN DOT		
01-28-23-11-0073	Pergola Trust LLC		
06-28-22-22-0069	City of St Paul		
06-28-22-22-0090	Diocese of St. Paul		11/12/12
01-28-23-11-0001	Donna M. Sauro Susan Sauro Kane		

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Donna M. Sauro / Susan Sauro Kane
(name of petitioner)
to rezone the property located at 342 Kellogg Blvd. W
from a RM2 zoning district to a T2 zoning district and
2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Donna M Sauro / Susan Sauro Kane a T2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-22-0002	State of MN DOT		
01-28-23-11-0073	Pergola Trust LLC		
06-28-22-22-0069	City of St Paul		
06-28-22-22-0090	Diocese of St. Paul		11/12/12
01-28-23-11-0001	Donna M. Sauro Susan Sauro Kane	<i>Donna M. Sauro</i> <i>Susan Sauro Kane</i>	11/12/12

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

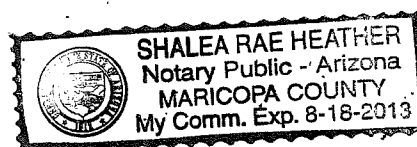
The petitioner, Donna M. Sauro
Susan Sauro Kane, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Susan
Sauro Kane
4372 Little Bluestem Tr. N. NAME
Lake Elmo, MN 55042
phone: 651-730-5531

Donna M. Sauro DMS
Donna M. Sauro
609 Holly Ln. St. Paul MN 55128
ADDRESS
651-501-9488
TELEPHONE NUMBER

Subscribed and sworn to before me this
12 day of November, 2012.

Shalea Rae Heather
NOTARY PUBLIC



CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Donna M. Sauro
Susan Sauro Kane, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Susan Sauro Kane
Susan Sauro Kane
4372 Little Bluestem Tr. N.
Lake Elmo, MN 55042
phone: 651-730-5531

NAME

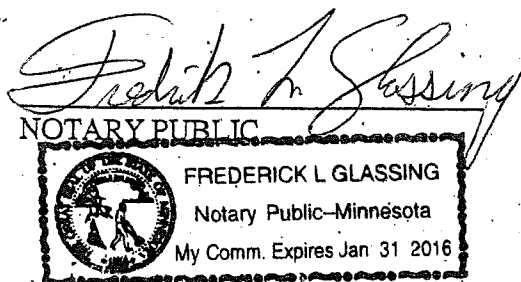
ADDRESS

TELEPHONE NUMBER

Donna M. Sauro
609 Holly Ln. St. Paul MN 55128
651-501-9988

Susan Sauro Kane

Subscribed and sworn to before me this
12th day of November, 2012.



CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Susan Brown, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 20 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.



NAME

214 E 4th St No 101

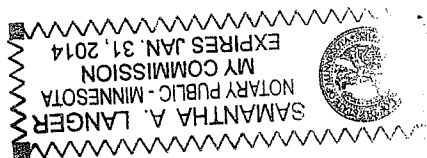
ADDRESS

651 276 4703

TELEPHONE NUMBER

Subscribed and sworn to before me this
25 day of October, 2012.

Samantha Langer
NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 11-16-12

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 5

PARCELS REQUIRED: _____

PARCELS REQUIRED: 4

PARCELS SIGNED: _____

PARCELS SIGNED: 4

CHECKED BY: Paul Debrazel DATE: 12-3-12

ZONING FILE _____



District 17

CapitolRiver Council

US Bank Center
101 East 5th Street, Suite 240
Saint Paul, MN 55101

ph: (651) 221-0488
Fax: (651) 221-0581
web: www.capitolrivercouncil.org

December 12, 2012

Michelle Beaulieu
Department of Planning & Economic Development
Zoning Committee
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

RE: Rezone at 342 West Kellogg Boulevard

Dear Ms. Beaulieu,

At its December 4, 2012, meeting, the CapitolRiver Council Development Review Committee met with Susan Brown regarding her application to rezone the property at 342 West Kellogg Boulevard. The committee passed a resolution in support of this application:

The CapitolRiver Council Development Committee recommends approval of the rezoning request for the property at 342 W. Kellogg.

We enjoyed learning more about her plans for the site and her business, *Mademoiselle Miel*, and wish her the best of luck in her new location.

Please feel free to contact the CapitolRiver Council with questions about this matter, or if there is any additional information we can provide. Thank you for your consideration of this recommendation.

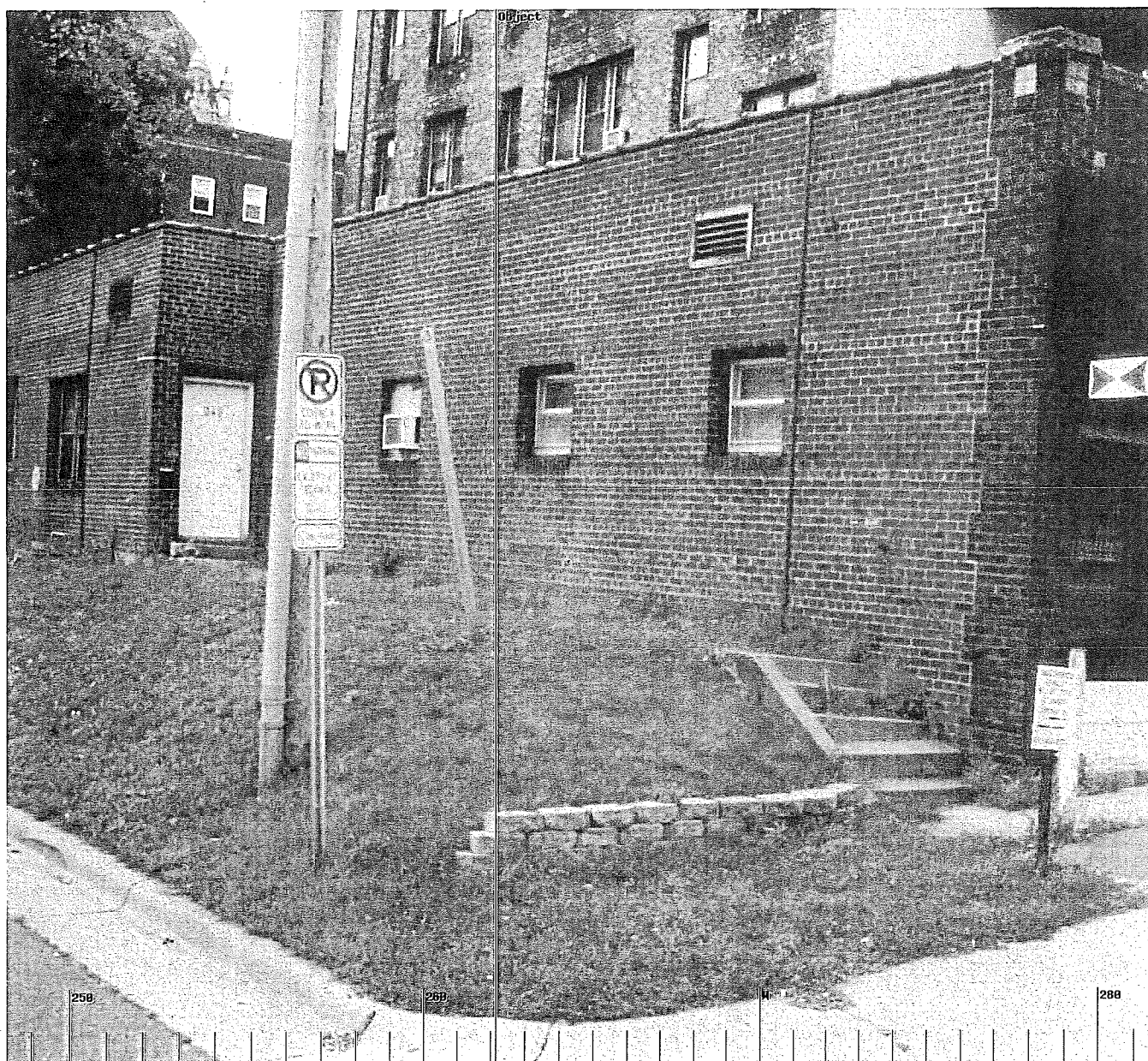
Sincerely,

A handwritten signature in cursive script that reads "Melissa Martinez-Sones".

Melissa Martinez-Sones
Director

cc: Dave Thune
Susan Brown





- Drain Area
- Parcel
- Selected Parcel
- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER

RL - One-Family Large Lot

R1 - One-Family

R2 - One-Family

R3 - One-Family

R4 - One-Family

RT1 - Two-Family

RT2 - Townhouse

RM1 - Multiple-Family

RM2 - Multiple-Family

RM3 - Multiple-Family

T1 - Traditional Neighborhood

T2 - Traditional Neighborhood

T3 - Traditional Neighborhood

T3M - T3 with Master Plan

T4 - Traditional Neighborhood

OS - Office-Service

B1 - Local Business

B2 - Community Business (converted)

B2 - Community Business

B3 - General Business

B4 - Central Business

B5 - Central Business Service

IR - Light Industrial Restricted

I1 - Light Industrial

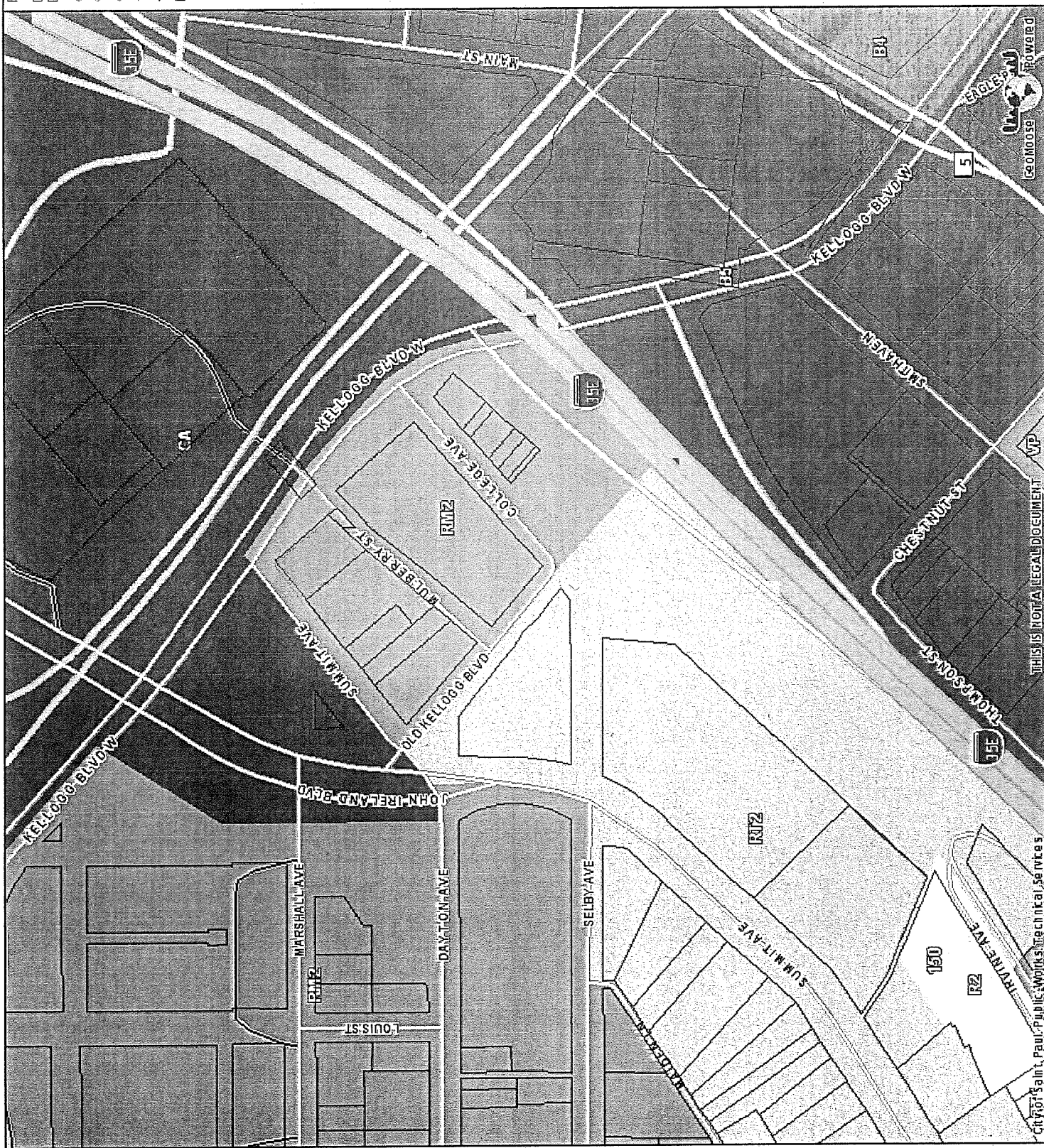
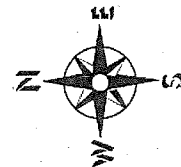
I2 - General Industrial

I3 - Restricted Industrial

VP - Vehicular Parking

PD - Planned Development

CA - Capitol Area Jurisdiction





SUMMIT

KELLOGG

MULBERRY



(001)

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Sandy's Professional Dog and Cat Grooming **FILE #** 12-215-800
 2. **APPLICANT:** Sandra K Belisle **HEARING DATE:** December 20, 2012
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 360 Clifton St, SE corner at Jefferson
 5. **PIN & LEGAL DESCRIPTION:** 112823130033, Ramseys Sub Of B21 Stinson Br Lot 34 Blk 21
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** December 12, 2012 **BY:** Michelle Beaulieu
 9. **DATE RECEIVED:** November 26, 2012 **60-DAY DEADLINE FOR ACTION:** January 25, 2013
-

- A. **PURPOSE:** Change of non-conforming use permit to change condition regarding location of off-street parking for existing dog and cat grooming business.
- B. **PARCEL SIZE:** 45.3 ft. (Clifton) x 118.6 ft (Jefferson), or 5,373 sq. ft.
- C. **EXISTING LAND USE:** C - Pet Shop/Grooming
- D. **SURROUNDING LAND USE:**
 - North: Bar/restaurant, community garden, Interstate 35E (B2, R4)
 - East: Low density residential (R4)
 - South: Low density residential (R4)
 - West: Monroe Athletic Field (R4)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** In 1950, the property at 360 Clifton was rezoned from "B" Residential to Commercial for a confectionary store selling school supplies and snacks. The zoning was changed to R4 One-Family Residential in 1975 as part of the adoption of a new Zoning Code. The property was used for many years as a beauty shop/salon. In 2005, applications for tattooing businesses were denied by the planning Commission (Zoning Files 05-139-469 and 05-180-955). The Planning Commission approved a re-establishment of nonconforming use permit for the present applicant's pet grooming business in 2006 with four conditions (Zoning File 06-273-087). The present applicant applied for a change of nonconforming use permit in 2010 to add pet day care and boarding to their business (Zoning File 10-506-183), which was denied by the Planning Commission but approved on appeal by the City Council preserving the conditions imposed in the 2006 permit and imposing four additional conditions.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council had not commented on this application at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant's dog grooming nonconforming use permit was approved by the Planning Commission on December 15, 2006, subject to the following conditions: 1. The number of employees/independent contractors shall be limited to 7. 2. The hours of operation shall be Monday through Saturday, 7:00 a.m. to 8:00 p.m. 3. Four off-street parking spaces shall be provided at the rear of the property and constructed as required by site plan review staff in the Office of License, Inspections, and Environmental Protection (LIEP). 4. Signs for the business shall comply with the sign regulations for size and placement unless a variance is approved by the Board of Zoning Appeals. The applicant's current nonconforming use permit for dog grooming as well as dog boarding/day care was approved by the City Council on January 5, 2011, subject to the following conditions: 1. The conditions imposed in the Commission's 2006

decision remain in full force and effect. 2. Up to two (2) additional employees or independent contractors as the case may be, may be added for the purpose of conducting pet-boarding or pet-daycare. 3. No more than six (6) dogs may be boarded upon the premises. A different number of dogs may be boarded provided that animal control determines that the number of dogs boarded will be safe. 4. All pet-related uses comply with all applicable laws and licensing requirements. 5. No dog(s) may be left outdoors unattended when the grooming business is closed.

2. It appears that the property is in compliance with conditions 1, 2 and 4 from the Commission's 2006 decision (part of condition 1 on the current nonconforming use permit), and with conditions 2, 3, 4, and 5 on the current nonconforming use permit. However, the applicant has not provided four off-street parking spaces at the rear of the property, and has not been through site plan review for any planned parking spaces.
3. The applicant has requested a modification of condition 3 from the 2006 decision, which was maintained through the current nonconforming use permit issued in 2011. The area previously occupied by the garage has been fenced in along with the rest of the back yard and is now used for outdoor storage and a dog exercise area. The applicant proposes to use four off-street parking spaces in the parking lot for the bar at 825 Jefferson Ave to satisfy the parking needs of her business. This lot is across Jefferson Ave from Sandy's Professional Dog and Cat Grooming.
4. The applicant has submitted a letter from the owner of Tavern on the Avenue stating that Sandy's Dog and Cat Grooming can use 4 parking spaces for Tavern on the Avenue has 62 off-street parking spaces in the lot outside their business. This bar is required to provide a minimum of 44 parking spaces for their customers. Allowing Sandy's Professional Dog and Cat Grooming to use four parking spaces will not cause Tavern on the Avenue to have a parking deficiency.
5. Section 62.109(c) lists four standards that all nonconforming uses must satisfy. As stated in City Council Resolution 11-11, these conditions are met provided the applicant abides by the conditions set forth in the nonconforming use permit.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the modification of condition 3 in the previously approved nonconforming use permit for 360 Clifton so that the business may share parking with the bar across the street, subject to the following revised conditions:

1. The number of employees/independent contractors shall be limited to 7 groomers, plus 2 for the purpose of conducting pet-boarding or pet-daycare.
2. The hours of operation shall be Monday through Saturday, 7:00 a.m. to 8:00 p.m.
3. Four off-street parking spaces shall be provided for use by customers or employees of the business, either on site or within 300 feet of 360 Clifton and in a commercial zoning district, to be provided by June 1, 2013.
4. Signs for the business shall comply with the sign regulations for size and placement unless a variance is approved by the Board of Zoning Appeals.
5. No more than six (6) dogs may be boarded upon the premises. A different number of dogs may be boarded provided that animal control determines that the number of dogs boarded will be safe.
6. All pet-related uses comply with all applicable laws and licensing requirements.
7. No dog(s) may be left outdoors unattended when the grooming business is closed

RE: 360 Clifton



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File # 12-215800
Fee: _____
Tentative Hearing Date:
12-20-12

PD=9

11-282313 0033

APPLICANT

Name SANDY'S PROFESSIONAL DOG & CAT Grooming
Address 360 Clifton Street
City St. Paul St. MN Zip 55 Daytime Phone 651-644-6475
Name of Owner (if different): SANDRA BELISLE 651-497-7368
Contact Person (if different): _____ Phone: _____

PROPERTY
LOCATION

Address/Location: 360 Clifton
Legal Description: _____
Current Zoning R4
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☒ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use: _____

Proposed Use: _____

Attach additional sheets if necessary

The Applicant seeks a modification of a condition in the original Nonconforming use permit no. 10-506183. Rather than providing (4) parking spaces on site, she proposes to share parking under Section 63.206(d) with property owner at 825 West Jefferson.

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature

Sandra K. Belisle

Date

City Agent

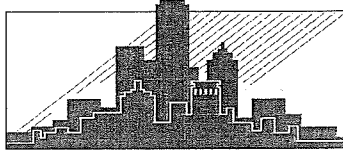
pd

11-7-12

2nd submission
payment
11-20-12

WEINBLATT & GAYLORD PLC
ATTORNEYS & COUNSELORS AT LAW

Suite 300 Kellogg Square
111 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: (651) 292-8770
Fax: (651) 223-8282
Website: www.weglaw.com



Alan W. Weinblatt
Kathleen A. Gaylord
Jay Benanav
Jane L. Prince

Katharina E. Liston
Of Counsel

October 29, 2012

Paul Dubruiel
Department of Planning & Economic Development
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

RE: Sandy's Professional Dog & Cat Grooming
Application to Modify Condition on NCUP#10-506183

Mr. Dubruiel,

On behalf of my client, Sandra Belisle, please find the attached Nonconforming Use Permit Application being submitted to seek modification of a condition on the above referenced Nonconforming Use Permit.

Ms. Belisle wishes to modify the parking condition on this permit, pursuant to Saint Paul Section 63.206(d), through which the zoning administrator may authorize two or more uses to share parking, when their respective hours of peak operation do not overlap.

As part of this process, Ms. Belisle will also seek a waiver of the permit application fee of \$700, which is a significant hardship for her small business. Please see the enclosed letter from PED Director Cecile Bedor, suggesting that that she seek such a waiver from the Planning Commission.

Thank you for your consideration,


JANE L. PRINCE
FOR
WEINBLATT & GAYLORD PLC

Cc: Jeff Fischbach, Saint Paul Department of Safety and Inspections

12-5-12

Michelle Beaulieu

I have talked with
Sandy Beaulieu about using
4 parking spaces or more
if necessary - for her
Business ... Sandip
Pet Grooming

MJC

MATT LOON

TAVORN ON THE AVENUE



City of Saint Paul

Signature Copy

Resolution: RES 11-11

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 11-11

Memorializing City Council action taken November 3, 2010 reversing the decision of the Planning Commission and granting the appeal of Sandra Belisle for a Change in Nonconforming Use Permit to add a pet day-care and pet-boarding service for the property commonly known as 360 Clifton Street in Saint Paul.

WHEREAS, Sandra Belisle, in PED Zoning File No. 10-506-183, made application to the Saint Paul Planning Commission (hereinafter, the Commission) for a Change of Nonconforming Use Permit to add a pet day-care and a pet-boarding service to an already existing pet-grooming business located at property commonly known as 360 Clifton St. (PIN No. 112823130033) and legally described as: Ramseys Sub Of B21 Stinson Br Lot 34 Blk 21; and

WHEREAS, the Commissions Zoning Committee, on July 8, 2010, pursuant to Leg. Code § 61.303, duly conducted a public hearing where all persons present were afforded an opportunity to be heard and, at the close of the hearing, the Committee laid the matter over with instructions to staff to make additional inquiries into the application and to present its findings at the Committee meeting on September 2, 2010; and

WHEREAS, on September 2, 2010, the Zoning Committee took up the matter of the said nonconforming use application and at the conclusion of the testimony, based upon the record, staff report, and the testimony presented at the public hearings, as substantially reflected in the Committees minutes, moved to recommend that the Commission deny the application; and

WHEREAS, on September 10, 2010, the Commission took up the recommendation of the Zoning Committee and the Commission, based upon all the files, records, and testimony, moved to deny the application based upon the following findings of fact as set forth in Planning Commission Resolution 10-72, which is incorporated herein by reference:

1. The applicants current nonconforming use permit was approved by the Planning Commission on December 15, 2006, subject to the following conditions: 1. The number of employees/independent contractors shall be limited to 7. 2. The hours of operation shall be Monday through Saturday, 7:00 a.m. to 8:00 p.m. 3. Four off-street parking spaces shall be provided at the rear of the property and constructed as required by site plan review staff in the Office of License, Inspections, and Environmental Protection (LIEP). 4. Signs for the business shall comply with the sign regulations for size and placement unless a variance is approved by the Board of Zoning Appeals.

2. It appears that the property is in compliance with conditions 1, 2, and 4. However, the garage has been removed, and there are now only 1 or 2 off-street parking spaces on the lot rather than the 4 required by the Planning Commission in the 2006 permit. The area previously occupied by the garage has been fenced in along with the rest of the back yard and is now used for outdoor storage and a dog exercise area, based on photos provided by the applicant. Further, as part of this application, on-street parking for both employees and customers is proposed.

3. In response to a complaint that animal boarding was occurring on the site, staff in the Department of Safety and Inspections (DSI) notified the applicant that animal daycare and

boarding could not occur without a license for these activities, and that a rezoning of the property to an industrial classification would also be needed, based on a Zoning Administrators 2007 statement of clarification that animal day care was similar to uses in the IR, I1, and I2 districts. The applicant is instead applying for a change of nonconforming use.

The following changes are being proposed to the business operation to accommodate the new uses: 1) one additional staff member would be added, bringing the total to eight (8) plus the owner. 2) The use would expand to include an outdoor exercise area in the back yard for the day care and boarded animals, where, according to the application, they would spend much of the day. These animals would be supervised by the additional staff person. The application does not make clear the hours of work for the additional staff, including if the staff would stay at the business at all times when animals are being boarded or if the animals would at times be in the building or outdoors without an employee or the owner present. 3) Animals would be boarded for up to eight (8) days. 4) The applicant states that the number of boarders and length of stay will be strictly limited, but does not provide a specific total number of animals that would be boarded at any one time. According to the plan and photos provided by the applicant, three cat cage areas and six dog cage areas are shown. It appears that some smaller cages would be stacked, so more than nine animals could potentially be accommodated. 5) The business would have one or two staff present to supervise the boarded animals for some duration of time on Sunday, increasing activity on the site to seven days per week, although the level of activity would be less on Sunday because the pet grooming business would be closed.

4. Leg. Code § 62.109(c) states: *The planning commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*

a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is not met. The existing pet grooming business is classified as a service business, similar to the previous beauty shop use. These businesses are first permitted in the TN1 Traditional Neighborhood and OS Office Service districts. The Zoning Administrator has issued a statement of clarification that finds commercial animal daycare (having more than three animals total) is similar to uses first permitted in the IR Light Industrial Restricted zoning district. The statement of clarification also found that animal day care for no more than three total animals (including the homeowners animals) is a permitted home occupation. While the applicant has not provided a specific number of animals for the day care and boarding, the basement appears to be set up for more than three animals. Therefore, the proposed use is first permitted in a less restrictive district than the existing use, and it is not equally or more appropriate to the neighborhood than the existing nonconforming pet grooming use.

b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding may be met. The applicant states that day care and boarded animals will arrive by appointment, similar to the existing pet grooming business. Depending on the number of animals in the day care or being boarded, the traffic generated may be similar to the existing pet grooming business.

c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is not met. The daycare and boarding proposal states that the animals will spend most of each day in an outdoor exercise area, which creates an outdoor use where one is not present now. The application states that an employee will supervise the animals and will clean up after them. However, the zoning administrators statement of clarification states that animal day care must be within a completely

enclosed building in the IR and I1 districts, and that outdoor exercise areas are permitted in I2 districts only if the property does not adjoin a property occupied by a residential use. In this instance, besides the fact that the property is zoned R4 One-family Residential, it also adjoins a residential use to the south and abuts a residential use to the east. Having an unspecified number of animals outdoors during the day creates a situation that could be detrimental to the existing character of development in the immediate neighborhood and is inconsistent with the zoning administrators statement of clarification. Depending on the operation of the business and the level of supervision provided for the animals, the use may be one that does not endanger the public health, safety, or general welfare.

d. The use is consistent with the comprehensive plan. This finding is met. The Randolph and Victoria intersection is within an area identified as mixed use corridor, on the future land use map of the Land Use chapter of the Comprehensive Plan. The plan finds that mixed use corridors are suitable for a mix of residential, commercial, retail, office, small scale industry, institutional, and open space uses.

5. Although not required by the zoning code for a change of nonconforming use, the applicant has also submitted a consent petition for the proposed use signed by owners of seven of the ten parcels within 100 ft. of 360 Clifton.

WHEREAS, on September 20, 2010 and pursuant to Leg. Code § 61.702(a), Sandra Belisle, in PED Zoning File No. 10-900-721, duly filed an appeal from the determination made by the Commission and requested a hearing before the City Council for the purpose of considering the actions taken by the Commission in this matter; and

WHEREAS, the City Council, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, on November 3, 2010, duly conducted a public hearing on the said appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council, having heard the statements made, and having considered the application, the report of staff, the record, minutes, and recommendation of the Commissions Zoning Committee and the Commissions resolution in this matter; **DOES HEREBY**

RESOLVE, that the Council of the City of Saint Paul, pursuant to Leg. Code § 61.704, hereby reverses the decision of the Planning Commission in this matter based upon the Councils determination that the applicant has demonstrated that the Commission erred with respect to its findings No. 4(a) and 4(c) as demonstrated by the following findings of the Council:

The Council finds that the applicants proposed pet-related uses are equally appropriate in this particular neighborhood as the applicants existing pet-related use. Provided the applicant abides by the following conditions, the applicants uses will not be detrimental to the existing character of development in the neighborhood or endanger the public health, safety, or general welfare. Accordingly, the Council, imposes the following additional conditions upon the pet-related uses at 360 Clifton St:

- The conditions imposed in the Commissions 2006 decision remain in full force and effect.
- Up to two (2) additional employees or independent contractors as the case may be, may be added for the purpose of conducting pet-boarding or pet-daycare.
- No more than a six (6) dogs may be boarded upon the premises. A different number of dogs may be boarded provided that animal control determines that the number of dogs boarded will be safe.
- All pet-related uses comply with all applicable laws and licensing requirements.
- No dog(s) may be left outdoors unattended when the grooming business is closed.

AND, BE IT FURTHER RESOLVED, that the appeal of Sandra Belisle be and is hereby granted, subject to the said conditions;

AND, BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to Sandra Belisle, the Zoning Administrator, the Planning Commission and Animal Control.

At a meeting of the City Council on 1/5/2011, a motion was made by Dave Thune, that this Resolution be Adopted. The motion passed.

Yea: 7 Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, Councilmember Thune, and Councilmember Stark

Nay: 0

Vote Attested by
Council Secretary



Trudy Moloney

Date _____

Approved by the Mayor



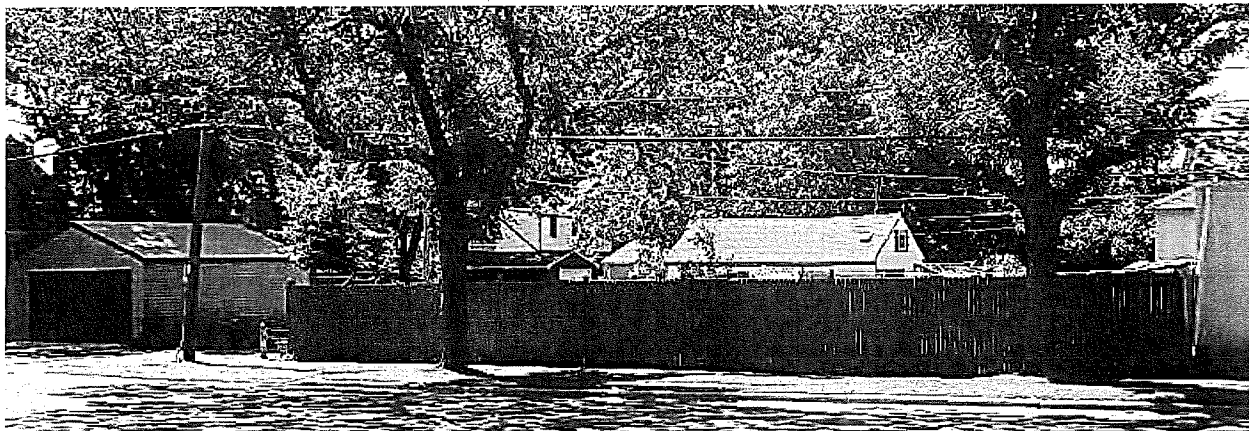
Chris Coleman

Date 1/13/11

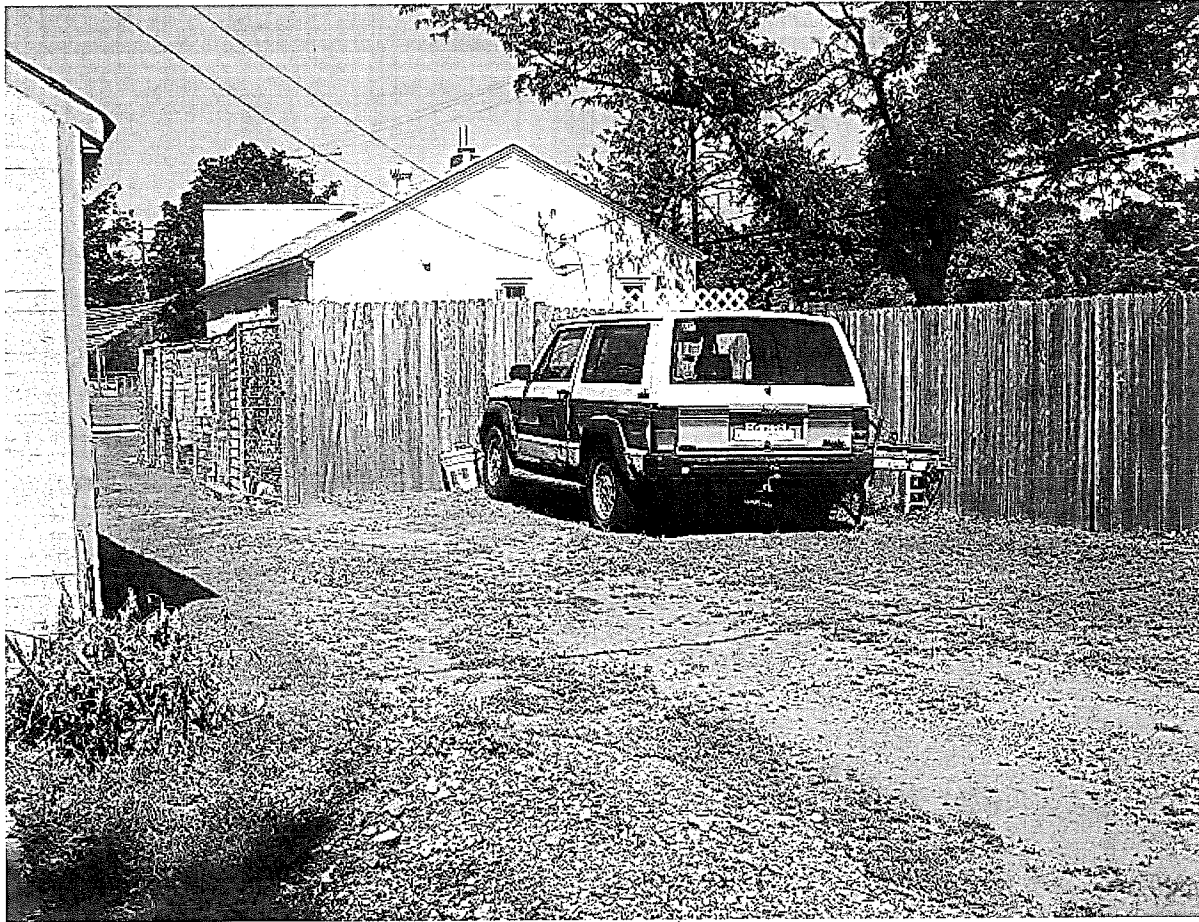
Business at 360 Clifton



Jefferson frontage of 360 Clifton



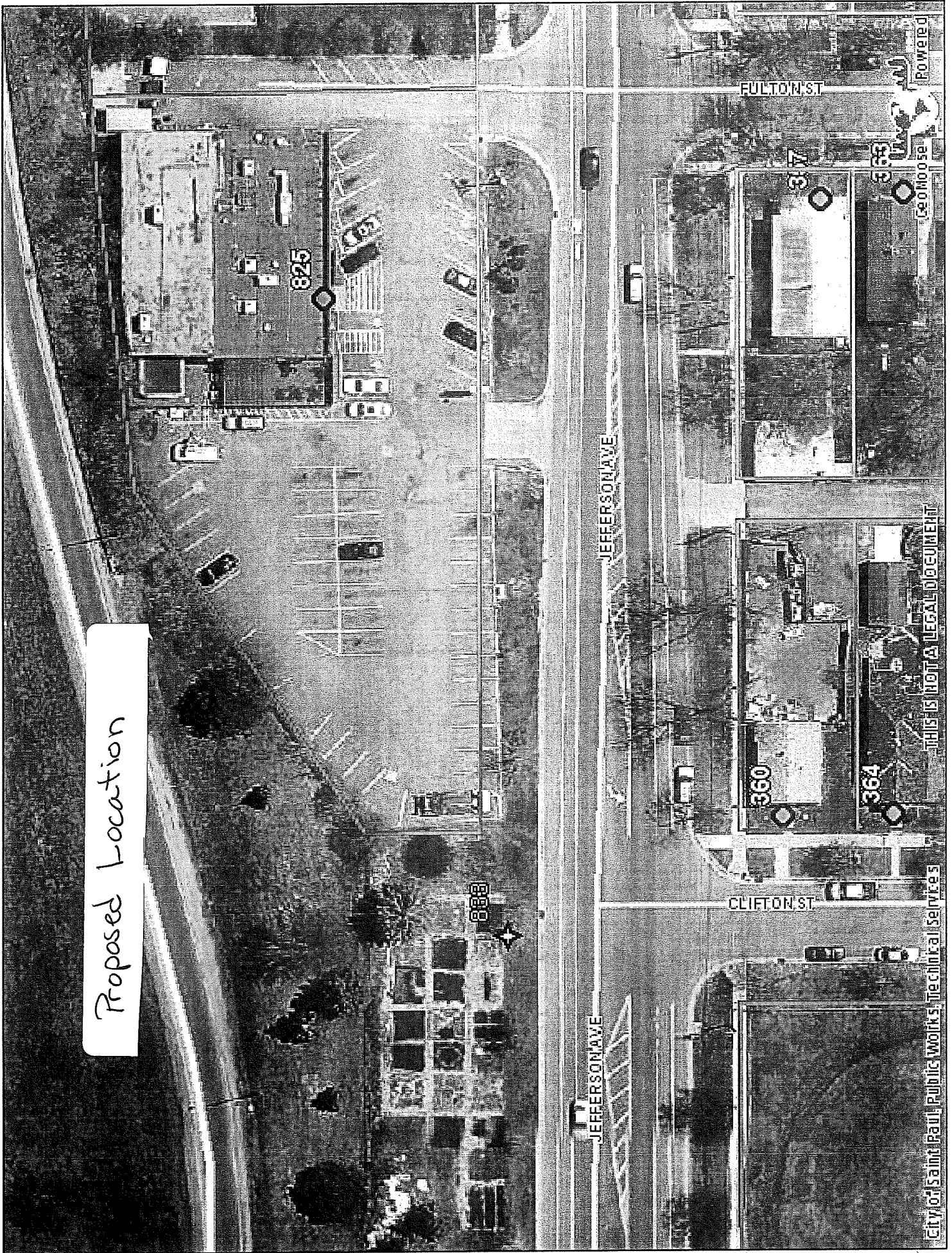
Rear of 360 Clifton



Tavern on the Avenue, 825 Jefferson



Proposed Location

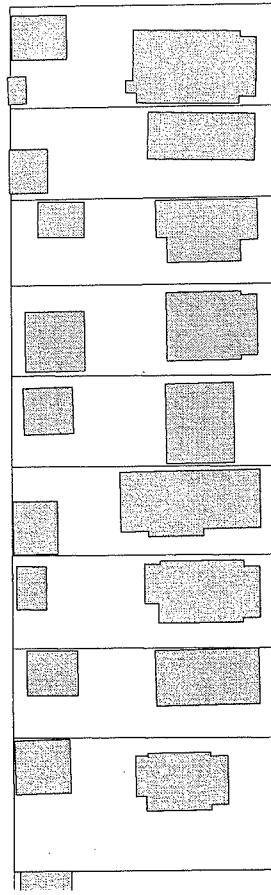
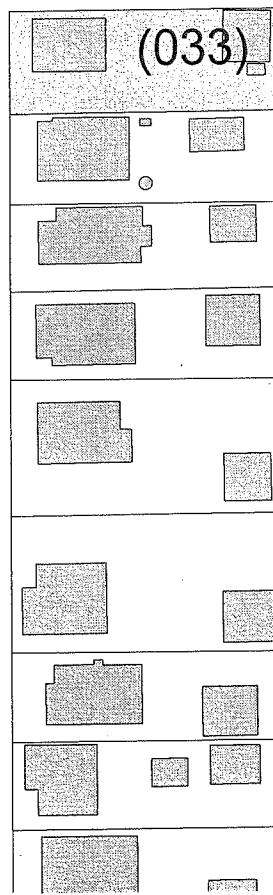


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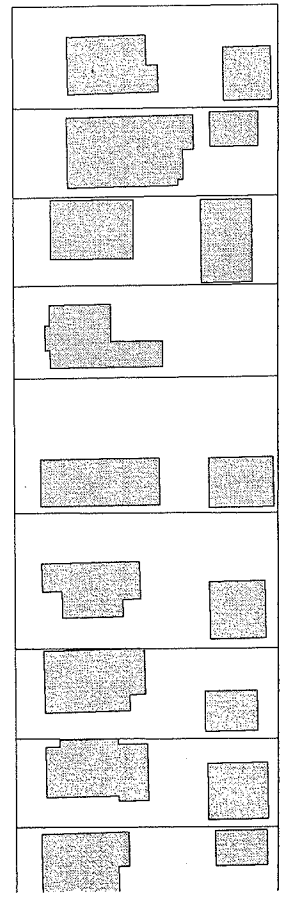
825
Jefferson (037)
proposed site

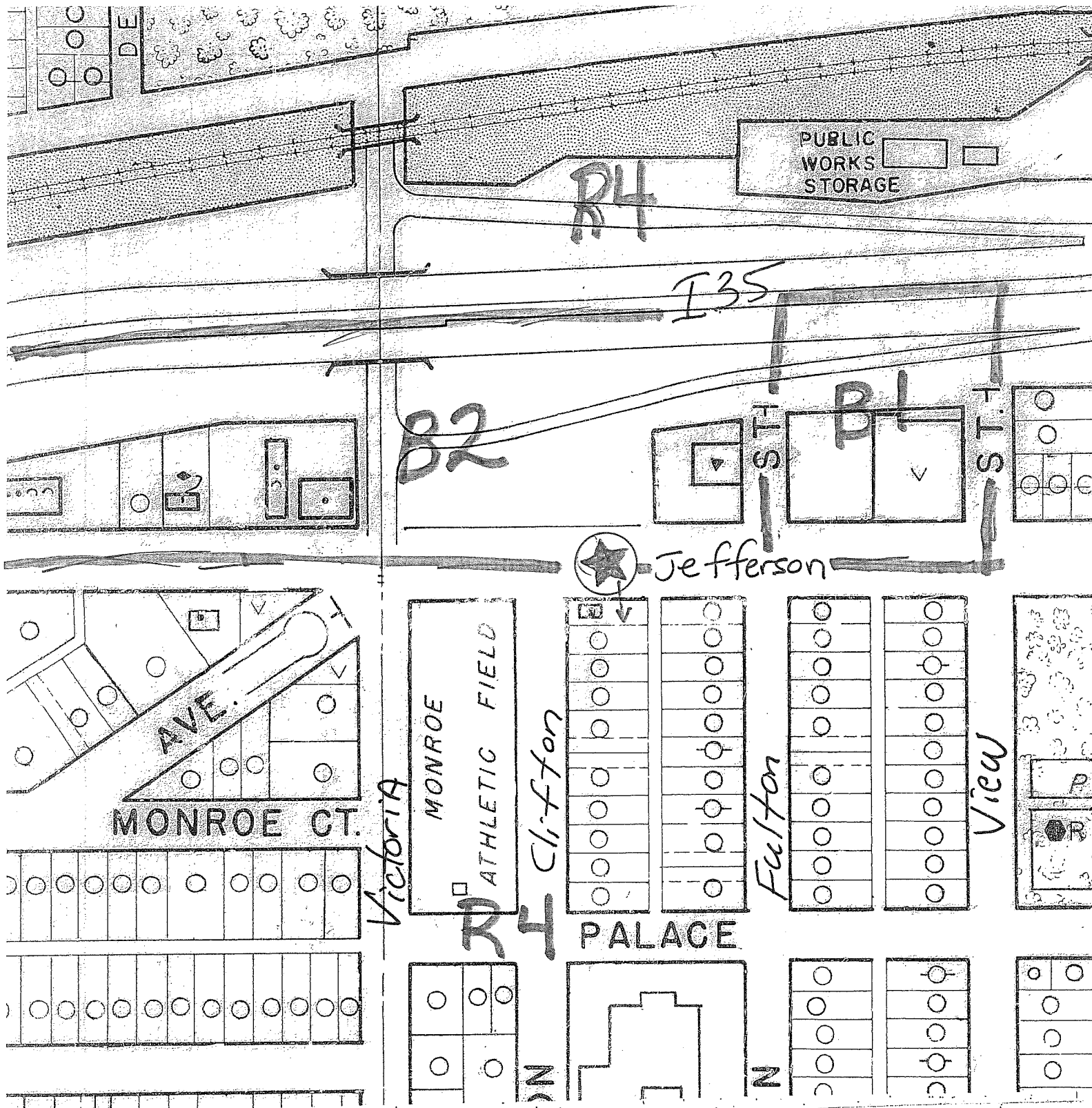
JEFFERSON

CLIFTON



FULTON





APPLICANT	<u>Sandy's Professional Dog+Cat Grooming</u>		
PURPOSE	<u>CHG of NCUP</u>		
FILE #	<u>12-215800</u>	DATE	<u>12-3-12</u>
PLNG. DIST	<u>9</u>	Land Use Map #	<u>27</u>
SCALE	<u>1" = 400'</u>	Zoning Map #	<u>21</u>

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

north ↑